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REVIEW OF INFORMATION RECEIVED REGARDING THE IMPLEMENTATION OF THE CONVENTIONS AND PROGRAMMES OF ACTION

Report of the Secretary-General on the Programme of Action for the Elimination of the Exploitation of Child Labour and Debt Bondage, submitted pursuant to Commission on Human Rights resolution 1993/79

CONTENTS

	Page
Introduction	3
Austria	4
Cambodia	8
Chad	8
Chile	9
China	11
Cyprus	14
Egypt	15
Finland	22
Germany	24
Greece	28

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CONTENTS (continued)

	Page
Jordan	29
Liechtenstein	30
Nicaragua	30
Philippines	33
Poland	40
Russian Federation	49
Saudi Arabia	61
Sweden	61
United Kingdom of Great Britain and Northern Ireland	64

Introduction

1. The Commission on Human Rights adopted the Programme of Action for the Elimination of the Exploitation of Child Labour in its resolution 1993/79 of 10 March 1993 and recommended that all States should adopt, as a matter of priority, the necessary legislative and administrative measures to implement the Programme at the national and international levels. The Commission requested the Sub-Commission to submit every two years a progress report on the implementation of the Programme of Action by all States. The text of the Programme can be found in the annex to Commission resolution 1993/79.

2. In its resolution 1993/5, the Sub-Commission requested the Working Group to examine at its nineteenth session the state of implementation of the Programme of Action and to transmit a report thereon, through the Sub-Commission, to the Commission.

AUSTRIA

[Original: English]
[7 February 1994]

1. In Austria, the protection of children and juveniles in the workplace is regulated by the Children and Young Persons Employment Act (KJBG), Federal Gazette No. 599/1987, current version. Excluded from the scope of the KJBG are children and young persons employed in agriculture and forestry. These occupations are governed by the basic rules of the Agricultural Labour Act (LAG), Federal Gazette No. 287/1984, current version, which are executed on the basis of provincial laws. Young persons who are exclusively employed in private households fall within the purview of the Household Employees and Domestic Servants Act (HGHAG), Federal Gazette No. 235/1962, current version.

2. The KJBG differentiates between "children" and "young persons". Under this Act, children are defined as minors who:

(a) Have not yet completed the full course of compulsory education; or

(b) Are not subject to, or exempted from, compulsory education, until 1 July of the year in which they reach the age of 15 years.

3. Young persons, within the meaning of the KJBG, are minors not considered as children:

(a) Until they reach the age of 18 years; or

(b) Until they have completed an apprenticeship or other training course of a minimum duration of one year, however not beyond the age of 19 years.

4. Children may not be required to perform any kind of work unless exceptionally granted by the KJBG. The employment of young persons is only admissible subject to specific provisions of the KJBG.

Children

5. Excluded from the scope of the KJBG are occasional and minor auxiliary activities performed by children on a voluntary basis, provided that these activities are of a short duration and do not expose the children to accident risks, jeopardize their physical and mental health and development, or pose a threat to their morality. Such activities include minor courtesy work for elderly, frail or handicapped persons, the short-term supervision of children or objects, and similar activities.

6. The KJBG contains the following exceptions from the prohibition of child labour:

(a) Children having reached the age of 12 may be required to perform simple and occasional tasks during the time not reserved for school. Such tasks are however only permitted if performed in family businesses and households or as errands and similar activities. Children must not be put

at risk by such tasks with regard to their physical and mental health and development or their morality, exposed to any accident risks or other harmful effects (heat, cold, wet), or required to perform such tasks for more than two hours per day. The total time dedicated to school and minor tasks must not exceed seven hours per day. After school, one hour must remain free, not including the time needed to come home from school. The employment of children on Sundays and holidays as well as during the night (8 p.m. to 8 a.m.) is prohibited. The employment of a child is only admissible subject to the consent of his or her legal guardian.

(b) The Provincial Governor may authorize the participation of children in musical, theatrical or other performances and film productions that are in the specific interest of the arts, sciences or education. The prior consent of the competent school authority is required. In the case of performances for profit, the competent labour inspectorate must also be heard. The approval must specify the schedule and duration of work and rest periods. Such occupations must not prevent children from attending school and benefiting from the education provided. The employment of children at night (11 p.m. to 8 a.m.) or during school hours is prohibited. Following morning and afternoon classes, a minimum period of one hour of uninterrupted work-free time must be ensured. Travel time may not be counted towards that time. The employment of children in amusement halls, cabarets, bars, sex shops, dance floors, discotheques and the like, or in circus performances, is not permitted.

(c) Child labour does not include activities serving instructional or educational purposes or such simple tasks as may be assigned to children by their parents in the household.

7. Child labour, within the meaning of the Agricultural Labour Act (LAG), relates to the assignment of any kind of work to a child on a regular basis and subject to payment, even if not particularly well remunerated.

8. Child labour is generally prohibited. The LAG contains the following exceptions from the child employment ban:

(a) Occupations serving only instructional and educational purposes;

(b) Assignment of simple and occasional tasks;

(c) Assignment of simple, albeit regular, tasks of limited duration.

Such activities must not impair the child's school education. Special care must be given to the child's health, safety and physical development, and any harm to his or her morality must be avoided.

9. Similar provisions are contained in the executive regulations of the federal provinces.

Young Persons

10. The number of hours that a young person may be required to work under the KJBG must not exceed 8 hours per day and 40 hours per week including

instruction time in vocational schools. Exceptions are possible where this contributes to an increase in the amount of free time or where such arrangements are regulated by collective agreement; in the latter case the daily working time must not exceed nine hours.

11. Where a young person is required to perform preparatory or completion work, the hours worked must be compensated for by an earlier termination or a later beginning of the working day. Overtime due to preparatory or completion work is only admissible in certain cases.

12. If the actual working time is more than five hours, the juvenile worker must be granted at least one half hour of rest for every four and a half hours of work. After fulfilment of the daily working requirement, the young person must be allowed a minimum uninterrupted resting period of 12 hours. Young persons must not be required to work between 8 p.m. and 6 a.m. A derestriction of the night working ban for young persons applies to jobs in gastronomy, multiple-shift operations, cultural performances, film productions, bakeries, nursing services and the training of midwives.

13. Juvenile workers must be granted an uninterrupted period of 43 hours of free time per week. Sunday work is only admissible in exceptional cases and it must, as a rule, be ensured that every other Sunday remains work-free.

14. The vacation entitlement of juvenile workers is governed by the current provisions of the Vacation Act and presently amounts to 30 working days per year.

15. The KJBG also contains a ban on physical punishment and major verbal insult, a prohibition of piecework employment, and regulations for the protection of the health and morality of young persons.

16. Additionally, a KJBG ordinance regulates the prohibition of juvenile employment in certain types of enterprises and in connection with certain hazardous activities.

17. The Agricultural Labour Act (LAG) provides the following regulations for the protection of young persons.

18. The regular number of hours young persons may be required to work is limited to 40 hours per week and 9 hours per day. The daily rest period is 12 hours and may be reduced to 10 hours for young persons over 16 years of age doing barnyard work. The LAG stipulates a weekly rest period of 41 hours, preferably starting at 1 p.m. on Saturday. Work performed on Saturday after 1 p.m. or on Sunday is subject to compensatory time at a ratio of 1:1 or 1:2, respectively.

19. For work done on Saturday after 1 p.m. and on Sunday, an uninterrupted weekly rest period of 41 hours must be ensured. Overall, young persons must not be required to work on more than 15 weekends during one calendar year.

20. Young persons under the age of 16 employed on the basis of an apprenticeship or other training scheme must not be required to do piecework, piecework-type tasks, performance-based bonus work or any other jobs in which a higher income may be achieved by an acceleration of the working speed.

21. Infringements of the KJBG or the KJBG ordinance are punishable with a fine of S 15,000 (up to S 30,000 for repeated violations) or with imprisonment of up to six weeks. In the case of repeated violations, an official juvenile employment ban may be imposed on the employer.

22. The labour inspectorate as the competent authority for ensuring the legal protection of employees is charged with supervising the observance of employee protection laws including regulations that apply to the employment of children and young persons.

23. In view of the special need for protection in the case of children and young persons, every labour inspectorate must also have one labour inspector for the protection of children and young persons, whose specific task is to ensure the observance of the relevant protective statutes. These labour inspection organs are mainly responsible for supervising the adherence to the federal law governing the employment of children and young persons and must only to a minor extent also be seized with other investigation or inspection tasks. The Labour Inspection Act of 1993, Federal Gazette No. 27, stipulates that the labour inspectorate is required to file information with the administrative criminal authority, except in cases where the violation is of a minor nature and has only insignificant consequences. There are also regulations relating to the appointment of competent persons charged with the enforcement of employee protection statutes on employers' premises or at branch locations and facilitating the proper prosecution of violators by the administrative criminal authority.

24. Since the establishment of Independent Administrative Tribunals as appellate boards in administrative criminal proceedings in 1991, the efficiency of reporting by the labour inspectorates on infringements of applicable employee protection regulations has been considerably improved.

25. Questions of child and juvenile protection are the subject of intensive discussions between employers' and workers' organizations. In addition, conferences on the observance of laws for the protection of children, juveniles and apprentices, held by the labour inspectorates at biannual intervals, provide a forum for discussions between the representatives of employers' and employees' organizations and other bodies seized with issues related to the protection of children and young persons.

26. The observance of regulations on child and juvenile labour in agriculture and forestry is supervised by the agricultural and forestry inspectorates. Violations are punishable.

CAMBODIA

[Original: French]
[8 July 1993]

The Government of Cambodia has no information to put forward at present.

CHAD

[Original: French]
[18 August 1993]

1. Under the terms of Decree No. 55/PR-MTJS/DTMOPS dated 8 February 1969 concerning child labour, no child under 14 years of age may be employed, even as an apprentice, in any undertaking in the territory of the Republic of Chad.

2. The above prohibition does not apply to establishments in which only members of the family are employed under the authority of the father, the mother or the guardian. However, a minimum age of 12 years is set for work of the following types:

(a) Light domestic tasks forming part of the work of a scullion, an assistant cook, a "small boy" or a child-minder;

(b) Picking, gathering or sorting work performed in agricultural undertakings;

(c) Light work of a non-industrial character (subject to the approval of the Labour Inspectorate).

3. The consent of the parents or guardians is required for the admission to employment of a child between ages 12 and 14.

4. The admission to employment of children in the above-mentioned category is subject to the written authorization of the labour inspector or his legal representative. Mention is made of the authorization in the employer's register.

5. The same Decree contains a prohibition of employment of young workers under age 18 on work of the following types:

(a) The lubrication, cleaning, inspection or repair of machinery or plant while in operation;

(b) Work requiring presence in or passage through premises in which there is hand-operated or animal- or mechanically-powered machinery, or motors or plant, the dangerous parts of which are not shielded by suitable guarding devices;

(c) The operation or manoeuvring of lifting or handling appliances;

(d) The handling and use of explosive, irritant, corrosive, poisonous or other harmful materials.

6. No measures designed to restrict the exploitation of labour has been adopted recently.

CHILE

[Original: Spanish]
[16 December 1993]

1. The legal norms governing child labour in Chile are contained in Book I, Title I, Chapter II, of the Labour Code, amended by Act No. 19,250 of 30 September 1993, the text of which is transcribed below.

"CHAPTER II

Capacity to engage in work and other norms relating to child and female labour

"Article 13. For the purpose of the labour laws, persons over 18 years of age shall be considered legally of age and may freely hire out their services.

Children under 18 years of age but over 15 years of age may enter into employment contracts with the express authorization of their father or mother. In the absence of a parent, such authorization may be given by the paternal or maternal grandparent; in their absence, by the guardians, persons or institutions that have taken charge of the minor; or, in the absence of all of the foregoing, by the labour inspector concerned.

Children under 15 years of age but over 14 years of age may hire out their services provided that they have been granted the above-mentioned authorization, have fulfilled their schooling requirements and do only light work that is not harmful to their health and development and does not interfere with their attendance at school or with their participation in educational or training programmes.

A labour inspector authorizing a minor to work in the cases described above shall submit background information to the appropriate juvenile magistrate, who may declare the authorization null and void if he deems that it is not in the worker's best interest.

If the authorization is granted, the norms of article 246 of the Civil Code shall be applicable to the minor and he shall be deemed to be fully capable of performing the required tasks.

The provisions of the second paragraph shall not apply to married women, who shall be subject in that regard to the provisions of article 150 of the Civil Code.

Under no circumstances may children under 18 years of age work for more than eight hours per day.

"Article 14. Children under 18 years of age shall not be allowed to work underground, on jobs which require excessive physical exertion, or in activities which might be hazardous to their health, safety or psychological well-being.

Children under 18 years of age may not be hired for work underground without previously undergoing an aptitude test.

An employer who hires a minor under 18 years of age without fulfilling the requirement set forth in the preceding paragraph shall be fined from three to eight monthly tax units, and double that amount for a repeat offence.

...

"Article 16. Children under 18 years of age may not work in cabarets and other similar establishments which feature live shows or in establishments which sell alcoholic beverages for consumption on the premises.

Minors who have been expressly authorized to do so by their legal representative and the juvenile magistrate may, however, perform in such shows.

"Article 17. In duly specified cases, and with the authorization of their legal representative or the juvenile magistrate, children under 15 years of age may be allowed to enter into employment contracts with persons or entities engaged in theatrical, cinema, radio, television, circus or other similar activities.

"Article 18. Where an employer fails to comply with the preceding articles in hiring a minor, he shall be subject to all the obligations inherent in the employment contract while it remains valid; the labour inspector, however, either on his own initiative or acting on the petition of one of the parties, shall order the relationship to cease and penalize the employer accordingly.

"Article 19. Children under 18 years of age may not engage in any night work in industrial and business establishments between the hours of 10 p.m. and 7 a.m., with the exception of family-run establishments, under the supervision of one of the family members.

Males over 16 years of age shall be exempt from this prohibition in industries and businesses that legally qualify as work which, by nature, must necessarily be done day and night."

2. The Department of Labour has carried out inspections in order to ensure compliance with the current legal provisions on the protection of working minors, contained in Book I, Title I, Chapter II of the Labour Code. The attached statistical tables, broken down by region and economic activity, show the inspections conducted during the period indicated.

3. With the adoption of Act No. 19,250, the jurisdiction and competence of the Department of Labour was expanded to include inspection of night work by minors in business establishments. Formerly, article 19 of the Labour Code limited such work by minors exclusively to industrial establishments. The amendment of this norm represents a major stride in the protection of minors in Chile.

CHINA

[Original: Chinese]
[15 November 1993]

1. The Government of China has always attached great importance to the healthy growth of children and has established laws, rules and regulations to safeguard children's legitimate rights. Putting children to work in China is illegal. The Compulsory Education Act states that "the use by any organization or individual of children or youths of an age when they should be in compulsory education to perform work is prohibited".

2. China is a vast country and its regions are not all at the same levels of economic development; there are still some poor areas where the problems of adequate food and clothing have not been fully resolved. Because of poverty, some youths under 16 are obliged to abandon their studies and work in the fields; in recent years, alongside the development of small town and village businesses, private enterprise and individual industrial and commercial ventures there have also been some instances of illegal child labour.

3. The Government of China takes an extremely serious view of this and has taken positive action to put an end to the phenomenon of child labour. On 6 November 1988 the Ministry of Labour, the State Commission on Education, the Ministry of Agriculture, the State Bureau of Industry and Commerce and the All-China Federation of Trade Unions jointly issued a statement on the strict prohibition of child labour, reiterating that child labour was illegal and must be firmly stopped.

4. In April 1991, the State Council promulgated an order prohibiting any work unit or individual from using child labour. Only upon reaching the age of 16 does an individual acquire the right to participate in labour, and work by minors between the ages of 16 and 18 must take place under special supervision. The order also stipulates that adolescents aged 13 and over in poor farming villages who have not moved up to middle school must take part in subsidiary income-earning labour activities of strictly limited scope. The labour administrative unit can require work units that violate the order to return under-age workers to their original homes, and can impose penalties on those units; the public security organs can inflict corresponding punishment on those whose abduction and detention of minor workers or coercion of minors into working creates a risk of accidents resulting in death or injury or other damage to the health of the minors concerned; those whose actions constitute a crime are investigated and held criminally responsible by the judicial organs.

5. The Protection of Minors Act passed on 1 January 1992 makes detailed provision for the prohibition of child labour. Article 28 emphasizes:

> "No organization or individual may engage minors under sixteen full years of age in income-earning labour or self-employed labour except as otherwise provided by the State. Any organization or individual that, pursuant to State regulations, engages a minor who has attained sixteen but not eighteen full years of age must comply with State regulations on the type, duration and strenuousness of the work performed, safety

measures and so forth, and must not arrange for the minor to perform excessively heavy work, work involving exposure to poisons, injurious work or dangerous tasks."

Article 49 states:

"An enterprise or business organization or self-employed tradesman that unlawfully engages a minor under sixteen full years of age will be ordered by the Ministry of Labour to put matters right and will be subject to penalties; in exceptionally serious cases, its or his trading licence will be revoked by the Department of Business and Industrial Administration."

6. While gradually strengthening and perfecting its legislation protecting minors' rights, the Government of China has also taken a series of specific measures for the protection of minors.

1. Setting up and equipping machinery and personnel for the protection of minors

7. The National People's Congress, the Government, the Chinese People's Political Consultative Conference and related institutions have set up ad hoc machinery and departments for youth work and a pattern of concern for youth work has evolved in the Party, the Government, the masses and society.

8. An ad hoc group on women and children has been set up under the Internal Affairs and Justice Committee of the National People's Congress; its main tasks are to handle proposals on the protection of women's and children's lawful rights and interests that are referred by the Congress and its Standing Committee to the Internal Affairs and Justice Committee; to proffer opinions on related legislative drafts and proposals; to look into the enforcement of legislation on women and children; to investigate women's and children's questions and put forward suggestions for reforms, and so forth.

9. In February 1990, the State Council established a coordinating committee on women's and children's affairs, to be chiefly responsible for planning on matters relating to women's and children's causes requiring Government or ministry action, for matters arising in the protection of women's and children's lawful rights and interests that require coordinated action from the Government and ministries, and for specific activities and spending related to women and children that require Government support and action. A women's and a children's group have been set up under the committee. The children's group comprises representatives from the State Education Committee, the Ministry of Health, the Ministry of Culture, the Ministry of Broadcasting and Television and more than 10 related governmental departments, including those responsible for light industry and trade and the Central Committee of the Communist Youth League of China.

10. Besides the State, a great many ministries, commissions and organizations involved in youth work have set up special machinery and deployed cadres with a sense of responsibility and a knowledge of children's matters. Examples include the Elementary Education Department of the State Education Committee, the Women's Department of the Ministry of Health, and the Children's

Department of the Ministry of Culture. The vast majority of provinces, autonomous regions and directly administered municipalities in China have set up analogous machinery to lead and direct youth work in their respective areas.

2. Establishing a variety of children's facilities and rich recreational activities for children

11. Besides the education they receive in creches, kindergartens and at school, children benefit from a variety of extramural activities and facilities established for their general moral, intellectual and physical development by the State and society, including Children's Palaces, children's parks and sports schools. In addition to their studies, children can select their own favourite activities in which to develop their capabilities and intelligence on the basis of their preferences and skills. Many writers, artists, sportsmen etc., have budded and blossomed this way.

3. The Plan Outline for the Development of China's Children in the 1990s

12. In March 1991, on the Government's behalf, Premier Li Peng signed the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s adopted at the World Summit for Children.

13. The Government of China kept its promise and by June of that year had set about drawing up a plan outline for the development of China's children in the 1990s. The outline was promulgated by the State Council in February 1992. It lays down 10 major objectives for the survival, protection and development of the country's children by the year 2000 and the tactics and measures to employ in order to realize those objectives, clearly identifying facilities for raising levels of child health care, education and recreation and for ameliorating survival conditions that need to be established or improved. Its publication and implementation have brought about a favourable social environment for the healthy growth and harmonious development of our children. To date, 26 provinces, autonomous regions and directly administered municipalities in China have put their own local schemes in place. The State Council Coordinating Committee on Women's and Children's Affairs has convened a conference to exchange details of how each local scheme operates and what its experience has been. A draft scheme for monitoring implementation of the outline has been tabled.

CYPRUS

[Original: English]
[8 December 1993]

1. In Cyprus the protection of children and young persons at work is safeguarded by the Children and Young Persons (Employment) Legislation. This Legislation, inter alia:

(i) Prohibits the employment of children under the age of 15 in any occupation and of children under the age of 16 in any industrial undertaking; prohibition of the employment of children under the age of 15 is absolute and no derogations are allowed;

(ii) Prohibits the employment of children and young persons in mines or in any underground activity;

(iii) Define the maximum hours of work of children (i.e. persons under 16) and young persons (i.e. persons between 16 and 18); these hours are 36 weekly or 7 hours and 15 minutes daily for children and 38 hours weekly or 7 hours and 45 minutes daily for young persons;

(iv) Prohibits the employment at night of children in any occupation unless this is done in the interest of art, science or education, and of young persons in industrial undertakings unless only members of the same family of the child engage in the undertaking and a special licence is granted by the Minister of Labour and Social Insurance.

2. Furthermore, according to the Primary and Secondary Education (Compulsory and Free Education) Law No. 24/1993 education at primary school and at the gymnasium is compulsory until the pupil completes a gymnasium cycle or reaches the age of 15 years, whichever of the two occurs first.

3. In fact, around 80 per cent of children in Cyprus complete secondary schooling. A number of those who interrupt secondary schooling attend the Apprenticeship Training Scheme, under which they work for three days of the week and attend theoretical instruction at the technical schools on the other two days.

EGYPT

[Original: Arabic]
[7 September 1993]

1. Articles 32, 33 and 34 of the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations in 1989, contain provisions to ensure the protection of working children from illegal forms of employment. Under the terms of article 32, the States parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. Under the same article, States parties have an obligation to take legislative, administrative, social and educational measures to ensure the implementation of those provisions. To that end, and having regard to the relevant provisions of other international instruments, States parties must in particular:

(a) Provide for a minimum age or minimum ages for admission to employment;

(b) Provide for appropriate regulation of the hours and conditions of employment;

(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of that article.

2. Within the context of the protection that working children must be accorded under that article, and with reference to the content of Commission on Human Rights resolution 1993/79 of 10 March 1993 adopting the Programme Action for the Elimination of the Exploitation of Child Labour, and the provisions of paragraph 2 of that resolution which recommends that all States should adopt the necessary legislative and administrative measures to implement the Programme of Action at the national and international levels, we have the honour to draw your attention to the provisions of the legislation in force in Egypt concerning the implementation of those provisions and programmes.

3. With regard to child labour, the Labour Act No. 137 of 1981 regulates the employment of young persons, and particularly the following aspects of such employment:

(a) The Act sets the minimum age for admission to employment at 12 years and prohibits the employment or training of children below that age in order to protect the younger generation and ensure that they receive a certain amount of education;

(b) The act empowers the Minister of Manpower and Training to establish, at his discretion, regulations governing the terms and conditions for the employment of young persons, as well as the occupations, professions and industries in which they are permitted to work, depending on their ages.

To that end, the Minister of Manpower and Training promulgated Decisions Nos. 12 and 13 of 6 March 1982, which specified the following occupations in which the employment of young persons is not permitted.

4. Decision No. 12 of 1982, promulgated by the Minister of Manpower and Training, prohibits the employment of young persons under 15 years of age in the following occupations, professions and industries:

(i) Work in front of furnaces and bakery ovens;

(ii) Cement factories;

(iii) Petroleum refineries;

(iv) Refrigeration plants;

(v) Ice-making plants;

(vi) Mechanical oil extraction industries;

(vii) The manufacture of fertilizers, mineral-based acids and chemical substances;

(viii) Cotton pressing;

(ix) Plants in which cylinders are filled with compressed gases;

(x) The bleaching, dyeing and printing of textiles;

(xi) The carrying, pulling or pushing of loads of a weight exceeding that specified in the schedule annexed to the Decision. (The schedule sets the maximum load which children from 12 to 15 years of age are permitted to carry or pull at 10 kg in the case of males and 7 kg in the case of females. It sets the maximum load that can be pushed on rails at 300 kg in the case of males and 150 kg in the case of females. The schedule strictly prohibits the employment of young persons to push loads, regardless of their weight, on carts with only one or two wheels.)

5. Decision No. 13 of 1982, promulgated by the Minister of Manpower and Training, prohibits the employment of young persons under 17 years of age in the following occupations, professions and industries:

(i) Underground work in mines and quarries and all types of work connected with the extraction of minerals and rock;

(ii) Work at furnaces for the smelting, refining or production of mineral substances;

(iii) The silvering of mirrors, using mercury;

(iv) The manufacture of explosive, and types of work relating thereto;

(v) The smelting and curing of glass;

(vi) Oxyacetylene and electric welding;

(vii) The manufacture of alcohol, beer and all alcoholic beverages;

(viii) Paint spraying;

(ix) The processing, preparation or storage of ash containing lead, and the extraction of silver from lead;

(x) The manufacture of tin and metallic compounds with a lead content of over 10 per cent;

(xi) The manufacture of lead monoxide (litharge), yellow lead oxide, lead dioxide (red lead), lead carbons, orange lead oxide and lead sulphates, chromates and ingots;

(xii) Mixing and kneading operations in the manufacture or repair of electric batteries;

(xiii) The cleaning of workshops in which the types of work listed under (ix), (x), (xi) and (xii) above are performed;

(xiv) The operation and supervision of power-driven machinery;

(xv) The repair or cleaning of power-driven machinery while it is being operated;

(xvi) The manufacture of asphalt;

(xvii) Work in tanneries;

(xviii) Work in warehouses for the storage of fertilizer extracted from excrement, animal dung, bones or blood;

(xix) The skinning, cutting up or shearing of animals and the melting of their fat;

(xx) The rubber industry;

(xxi) The transport of passengers by road, rail or inland waterway;

(xxii) The loading and unloading of goods at docks, piers, ports and warehouses;

(xxiii) The stowage of cotton seed in ships' holds;

(xxiv) The manufacture of charcoal from animal bones, with the exception of the process of sorting the bones before they are burnt;

(xxv) Work as hosts/hostesses in nightclubs;

(xxvi) Work in establishments in which alcoholic beverages are consumed (bars).

6. With regard to conditions of employment and working hours, the Egyptian Labour Act contains special provisions to protect young workers from many forms of exploitation. The obligations of employers under the Act can be summarized as follows:

Health regulations

7. Employers are forbidden to employ young persons in certain occupations, professions and industries until the enterprise's medical officer has issued a certificate confirming that they are free from diseases and medically fit to perform the work (art. 1 of Decision No. 14 of 1982 promulgated by the Minister of Manpower).

8. Every employer of a young person is under an obligation to have him medically examined periodically, but not less than once a year, in order to ascertain that he is free from diseases and still medically fit for work. The employer must also have the young person medically examined on his separation from service in order to establish his state of health (art. 8 of the above-mentioned Decision).

9. Employers are also under an obligation to provide all their young employees with a daily glass of pasteurized milk the net weight of which must not be less than 3,000 grammes (art. 4 of the Decision).

Organizational and administrative regulations

10. Every employer of a young person under 16 years of age is under an obligation to provide him with an identity card certifying that he is an employee. The card, bearing the young person's photograph, must be approved and stamped by the competent Manpower Office. This card is a substitute for the personal identity card which the Act requires for persons over 16 years of age.

11. The employer has an obligation to draw up a list containing the names, ages and dates of recruitment of the young persons in his employ. A copy of the list must be posted in a prominent place in the enterprise and the competent administrative authority must be notified of the names of the young persons currently employed, as well as the names of the persons assigned to supervise their work.

12. The Act stipulates that a young person's actual working hours must not exceed six hours per day, which must be interrupted by one or more rest periods or mealtimes totalling not less than one hour. A young person must under no circumstances be made to work for more than four consecutive hours and the Act strictly prohibits the employment of young persons from 7 p.m. to 6 a.m. (art. 146). Moreover, article 147 prohibits the employment of young persons on overtime or on weekly days of rest or public holidays. Under the Labour Act, the employer has an obligation to draw up a schedule clearly specifying working hours and rest periods.

13. Under article 148 of the Act, the employer is obliged to post at his place of work a copy of the provisions of the section concerning the employment of young persons in order to acquaint workers and young persons with their rights.

14. The young person must receive his wage, remuneration and other entitlements directly from his employer as proof that the latter has fulfilled his obligation. The purpose underlying the promulgation of this legal provision was to prevent the exploitation of young persons, in addition to reconciling the provisions of the Labour Act with those of the Financial Guardianship Act under which a minor possessing the legal capacity to conclude a contract of employment has the right to receive the wage earned through his work.

Imposition of appropriate penalties and fines to ensure compliance with these provisions

15. An employer or manager who violates any of the above-mentioned provisions is legally liable to a fine of 10-20 Egyptian pounds in respect of each young person against whom the violation is committed. This penalty is doubled in the event of a repeated offence. It is prohibited to suspend the imposition of the penalty or to reduce it below the legally specified minimum on any grounds whatsoever. It is noteworthy that the above-mentioned provisions of Act No. 137 of 1981, concerning the employment of young persons, are generally consistent with Principle 9 embodied in the Declaration on the Rights of the Child, which was adopted by the General Assembly of the United Nations in November 1959. They are also consistent with article 32 of the Convention on the Rights of the Child, adopted by the General Assembly in 1989, concerning the establishment of a minimum age for the employment of young persons and the prohibition of their employment in some professions and industries which are harmful to their health, in an endeavour to prevent their exploitation.

16. The Working Group on Legislation at the Egyptian National Council for Childhood and Motherhood has drafted a new bill of law on children incorporating all the provisions concerning the rights of the child, child protection, various aspects of the health, social, educational and cultural welfare of children, and child labour. This draft bill contains an amendment to the minimum age for the employment of children, which it raises to 14 Gregorian years, and accords protection to children up to the age of 18 instead of 17 years. The reason for raising the minimum age is to ensure that a child completes his or her basic education, covering the primary and preparatory stages which end when the child reaches the age of 14. The new draft bill also omits the stipulation in the present Act under which its provisions are not applicable to purely agricultural work. In fact, the provisions of the proposed new Act would also apply to agricultural work, in the same way as other types of work, in order to accord protection to the children of agricultural labourers. Under the new draft bill, an employer who violates its provisions would be liable to a higher fine of 100-500 Egyptian pounds in respect of each worker subjected to such violation. This penalty would be doubled in the event of a repeated offence and it would be prohibited to suspend the penalty.

Prohibition of the employment of children in the illicit production of narcotic drugs and psychotropic substances and trafficking therein

17. Article 33 of the Convention on the Rights of the Child stipulates that States Parties must take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production of, and trafficking in, such substances.

18. Within the context of the protection provided for in this article and also in Commission on Human Rights resolution 1993/79 of 10 March 1993, Presidential Legislative Decree No. 182 of 1960, as amended by Act No. 122 of 1989, prescribes the death penalty and a fine of 100,000-500,000 Egyptian pounds for anyone who possesses, acquires, purchases, sells or supplies a narcotic substance for consumption with a view to trafficking therein, and also for anyone who, in return for remuneration, manages or provides premises for the consumption of narcotic substances, if the offender uses for the commission of any of these criminal acts a person under 21 years of age, any of his descendants, any person whose upbringing or custody is entrusted to him or any person who is effectively under his control and supervision. The same penalty is prescribed if the offence is committed in an educational institution or any of its appurtenances, in clubs, social or penal institutions or in military camps or in the immediate vicinity thereof or if the offender supplies, delivers or sells the narcotic substance to a person under 21 years of age or induces such person to consume it by using any means of coercion, deception or incitement, etc.

Protection of children from sexual exploitation and sexual abuse

19. Article 34 of the Convention on the Rights of the Child stipulates that States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties must in particular take all appropriate national, bilateral and multilateral measures to prevent:

(a) The inducement or coercion of a child to engage in any unlawful sexual activity;

(b) The exploitative use of children in prostitution or other unlawful sexual practices;

(c) The exploitative use of children in pornographic performances and materials.

20. Within the context of the protection required under those provisions and the provisions of Commission on Human Rights resolution 1993/79 of 10 March 1993, the Anti-Prostitution Act No. 10 of 1966 prescribes a penalty of one-five years' imprisonment together with a fine of LE 100-500 for anyone who induces a male or female person under 21 years of age to engage in prostitution or debauchery, who aids or abets therein, or who employs, procures or entices such person to engage in prostitution or debauchery. The same penalty is prescribed for anyone who induces or helps a male

under 21 years of age or a female of any age to leave Egypt or who employs or accompanies them abroad for the purpose of engagement in prostitution or debauchery or assists them therein.

21. The maximum penalty is seven years' imprisonment if the offence is committed against two or more persons or if it is committed through deceit, force, threats, abuse of authority or other means of coercion.

22. The penalty is three-seven years' imprisonment if the offence is committed against a person under 16 years of age or if the offender was an ascendant or servant of the victim. The Act also prescribes a penalty of one-five years' imprisonment for anyone who in any way exploits the attractions or prostitution of a person under 16 years of age. The same penalty applies if the offender held a position of responsibility or authority as an ascendant, guardian or tutor of the victim.

Exposure of young persons to delinquency

23. Article 33 of the Juveniles Act No. 31 of 1974 stipulates that, without prejudice to the provisions concerning complicity as set forth in the Penal Code, anyone who exposes a young person to delinquency or to any of the circumstances referred to in article 3 of that Act by training, assisting or inducing the young person to engage therein, or by in any way facilitating the young person's engagement therein, even if the young person does not actually become a delinquent, is liable to a penalty of imprisonment. The penalty is a term of not less than three months' imprisonment if the offender used any means of coercion or threat against the young person, if he held a position of authority as an ascendant, guardian or tutor of the young person or if the young person had been legally placed in his custody.

24. In all cases, if the offence is committed against more than one young person, even at different times, the penalty is imprisonment for not less than six months and not more than five years and the offender is assumed to have been aware of the young person's age unless he is able to prove that he was totally incapable of ascertaining the young person's true age.

25. The purpose of the promulgation of those legislative provisions was to combat juvenile delinquency and prosecute and punish anyone who exposes a young person to delinquency or social danger in order to protect young persons from incitement to commit offences, from exposure to delinquency and from abuse. The offence is constituted by any act that exposes a young person to delinquency, such as training a young person to steal or beg, encouraging a young person to abscond from educational or training institutions or using a young person to gather cigarette butts or other refuse or discarded articles.

26. From the above, it is evident that Egyptian legislation regulates child labour in a manner consistent with the provisions of the Convention on the Rights of the Child and also guarantees the protection of children from sexual exploitation, from exploitative use in the production or distribution of, or trafficking in, narcotic drugs, and from begging and similar acts such as the gathering of cigarette butts or other refuse or discarded articles.

FINLAND

[Original: English]
[19 January 1994]

1. The employment of young persons in fields which are hazardous to their development is forbidden by law in Finland. This also helps combat child prostitution and child pornography. The Act on the Protection of Young Workers (998/93) became effective on 1 January 1994. It applies to work done by a person under 18 years of age in an employment relationship in the private or public sector. This Act repeals the Act on the Protection of Young Workers (669/67).

2. According to the Act on the Protection of Young Workers, a person may be admitted to employment if he has reached the age of 15 and, furthermore, is not liable to compulsory school attendance. A person of 14 years of age may, however, do light work over two thirds of the school holidays and also temporarily during the school year, on condition that the work is not hazardous to his health and development and does not hinder school attendance. As a rule, a person who is under 14 years of age may not be admitted to employment, but the new legislation makes it possible for a person under 14 years to work temporarily as a performer or an assistant in artistic and cultural performances or similar events. A person under 18 years of age is subject to restrictions relating to night and overtime work, as well as to restrictions relating to weekly and daily hours of work. A person who has not reached 15 years of age shall not be made to do overtime or emergency work.

3. The employer shall see to it that the work is not hazardous to the physical or mental development of a young worker and that it does not require more exertion or responsibility than can be considered reasonable with respect to his age and strength. A young worker may be employed to do hazardous work only under certain conditions prescribed by law. Furthermore, a young worker is entitled to training and guidance to be able to do his job, so that he is not a danger to himself or other persons at work, as well as to medical examination at the employer's expense, within one month from the start of the employment relationship.

4. Provisions relating to offences against morality and offences against liberty are included in tne Penal Code in Finland. There are not separate regulations relating to child prostitution. As a rule, sexual intercourse with a person under 16 years of age is punishable in Finland. The legislation concerning sexual offences is under reform in the Ministry of Justice. The provisions which relate to the sexual exploitation of children will also be amended.

5. Finland has introduced preventive censorship, which is meant to stop the distribution of brutalizing and obscene film materials in the cinema or on television. Under the Act on the Prevention of the Distribution of Unchaste Publications, the distribution and placing on offer of pornographic publications, pictures and other products of the kind are forbidden. The Act also applies to child pornography.

6. The sale of children is punishable in Finland and, in fact, the phenomenon does not exist in our country. Adoptions which involve financial gain are also forbidden.

7. The Child Welfare Act is meant to ensure every child harmonious and well-balanced growth and development. Families are also supported financially. In the case where a family is, despite the support measures, incapable of assuming responsibility for the provision of such upbringing as is in the best interests of the child, the local authorities may take the child into care. The child is given not only substitute care but also all the different health care, social welfare and rehabilitation services that he needs. A child may not be taken into care owing to his family's lack of residence.

8. Training and information can be considered the best possible means whereby children can be protected in regard to the issues highlighted in the Plan of Action. In Finland, a child is liable to compulsory education from the autumn of the year when he is seven until he has finished comprehensive school or, at the latest, at the end of the spring term in the year when he becomes 17 years of age. It is the intention that after comprehensive school the child either goes to a vocational school or continues in the upper secondary school, after which he can move to vocational or university-level education.

9. In Finland, the first periodic report is just being prepared on the implementation of the Convention on the Rights of the Child, to be submitted to the Committee on the Rights of the Child. In addition, a report to Parliament on the status of children is being drafted, where the practical effects of the implementation of the Child Welfare Act are considered, and the position of the child and issues relating to his living environment are discussed in more detail. The report will be submitted to Parliament in 1995. The National Board of Education and the National Research and Development Centre for Welfare and Health (STAKES) have also joined the international research project of the Organisation for Economic Co-operation and Development (OECD), called "Services integration for children and youth at risk and their families". The project looks at services directed at children at risk and their families. The results of the project are expected to lead to improvements in the services and other arrangements addressed to children and families with children. Issues relating to the elimination of the exploitation of child labour are also being considered in connection with the above-mentioned reports.

10. In view of the present legislation, it seems that no amendments to the law are necessary prior to the implementation of the Plan of Action. The Plan of Action can be put into effect in Finland without any problems.

GERMANY

[Original: English]
[28 December 1993]

1. National measures

1. Child labour is forbidden on principle in the Federal Republic of Germany. The Young Workers' Protection Act forbids any kind of employment which is liable to damage a child's health, safety and development or which interrupts its education. For this reason employment of children is permissible only in exceptional cases, for example as part of occupational and work therapy or a period of practical work experience organized by the school.

2. Children over the age of 13 years may be employed, either by their parents or with their permission, in light duties, e.g. helping with the harvest, delivering newspapers, or assisting in sports events. From the age of 15 onwards, schoolchildren may work for up to four weeks during the school vacation. Children may, with the permission of the supervisory authorities and of their parents, participate in cultural events, i.e. plays, recitals, films and radio recordings, for limited periods of time.

3. Adherence to the ban on child labour is policed by the supervisory authorities of the federal States. These authorities may issue fines of up to DM 20,000 for violations of the ban. In cases where the child suffers harm, fines and penal custody may be imposed according to the Young Workers' Protection Act.

4. Child prostitution and the trade in human beings are punishable acts in the territory of the Federal Republic of Germany and are resolutely combated. In addition, by taking national measures, the Federal Government is trying to contribute to the fight against child sex tourism and child prostitution in other countries. An amendment to the Penal Code, which entered into force on 1 September 1993, means that Germans can also be punished if they sexually abuse foreign children under 14 years of age abroad. However, the precondition for prosecution in Germany is that the German authorities are informed of relevant crimes and that, by means of legal assistance, they are able to provide the court with evidence of the crime. Therefore the Federal Foreign Office has informed the Governments of the countries involved concerning the tightening of German penal law and has requested that the German investigating bodies be given data on possible crimes committed by Germans and supplied with the evidence necessary for prosecution. A similar process of information was also initiated within the framework of international contacts between police and security forces.

5. The Federal Government has, in addition, reminded tour operators of their responsibility in combating the sexual abuse of children by German tourists. It has appealed to the tour operators to refrain from making any direct or indirect reference to opportunities for child sex tourism at their holiday destinations, to strictly exclude from their brochures any hotels which tolerate or encourage the sexual abuse of children, and to inform their customers about the new penal provisions and the risk of prosecution. The

children's aid organization "Terre des hommes" has already met with an initial positive reaction from tour operators in its efforts to set up effective monitoring on the part of representatives at the destinations.

6. The issue of enforced prostitution is closely linked with the problem of the trade in human beings. Experience shows that internationally operative criminals solicit women and girls, particularly from South-East Asia, Africa and South America, in order to abuse them as prostitutes in Germany. These elements exploit the social and economic situation in the women's and girls' countries of origin by pretending that their social and economic status would be improved if they came to Germany. When such solicited persons, who normally enter on tourist visas, arrive in Germany, they are in many cases forced to stay on illegally and work as prostitutes. As such they become totally isolated and are condemned to live under degrading conditions.

7. As a result of the sharp increase in this cynical business and in the face of new forms of the trade in human beings, German penal provisions against the promotion of prostitution and against trade in human beings were reviewed. The relevant Act entered into force on 22 July 1992. The aim of this Act is to improve the protection under penal law of, in particular, foreign girls and women against sexual exploitation, i.e. forced prostitution, trade in human beings and "marriage tourism".

8. In addition, the Act of 22 September 1992 combating the illegal trade in narcotic drugs and other forms of organized crime introduced legal options for the protection of witnesses, such as the refusal to identify or give the whereabouts of witnesses in cases where they are in danger. Such provisions can also help to improve the protection of female victims of the trade in human beings. The options for confiscating illegal profits from this trade were also markedly ameliorated.

9. The Federal Government is aware that penal measures to better the protection of women and girls from sexual exploitation are an important aspect of a wide-ranging package of measures against the trade in human beings, forced prostitution and marriage tourism, but also that they are by no means the only ones. It is the Federal Government's opinion that the new penal provisions will only be effective if, at the same time, the personal, economic and social status of the women involved can be elevated by means of accompanying measures in other areas.

2. <u>International measures</u>

10. The main cause of child labour is the poverty of the parents and/or the community where the children live. This especially applies in the case of developing countries. The paramount aim of all development cooperation projects is to contribute towards alleviating poverty. Children and young people are mainly reached through elementary education and vocational training projects, both of which are priority areas of German development cooperation. Projects in the health sector also serve to directly improve the situation of children and young people. The heavy burden many countries have to shoulder in the wake of structural reforms has made it more difficult for Governments

in developing countries to discharge their responsibilities towards young people and thus guarantee sustainable development. Germany has therefore increased its cooperation with non-governmental organizations.

11. In view of the fact that long-term projects and development cooperation programmes take time to become effective, Germany also supports measures designed to contribute quickly and directly towards eliminating the exploitation of child labour. Therefore, in 1991, the Federal Government committed DM 50 million in order to finance a programme to eliminate child labour (International Programme on the Elimination of Child Labour (IPEC)) which is being implemented by the International Labour Organisation (ILO). The aim of the programme is to increase awareness on the part of Governments and the international community of the problems involved in child labour and to enable Governments concerned to draw up and implement policies and programmes to combat child labour. Ninety per cent of the funds are used for the programming of national policies and the implementation of country programmes, whereas the other 10 per cent are earmarked for a world-wide information campaign. IPEC includes programmes for six countries: Brazil, India, Indonesia, Kenya, Thailand and Turkey. They contain in particular:

(i) Action programmes for child workers released from particularly dangerous occupations, e.g. in the glass, fireworks and carpet industry;

(ii) Elementary education and vocational training measures for child workers and street children;

(iii) Support in the programming of national policies and the setting up of governmental and non-governmental executing agencies to combat child labour;

(iv) Promotion of the international exchange of experience.

12. The activities of the world-wide campaign against child labour are carried out in close cooperation with other United Nations agencies (UNESCO, UNICEF).

13. In cooperation with ILO, the German Government also supports a pilot project (Child Labour Action and Support Programme (CLASP)) aimed at improving the situation of child workers in India. The project includes support to the Indian Ministry of Labour in the planning, implementation and evaluation of measures leading to an improvement in the situation of child workers and, finally, to a reduction of child labour, especially in industrial jobs which represent a dangerous threat to the children's health. Within the framework of a bilateral export promotion project between India and Germany, assistance is being provided in the development and introduction of a trademark and marketing for carpets manufactured without child labour. This project includes the establishment of a certification infrastructure, especially in the "carpet belt" area of Varanasi/Bhadoni/Mirzapur. To date, a substantial number of carpet manufacturers and exporters have supported this initiative. However, in order for the project to be sustainable, it is necessary to give

the children who have "lost their job" and their families some perspectives for their future livelihood. In this regard close cooperation with the above-mentioned IPEC project is envisaged.

14. In view of the dissolution of traditional social security systems in developing countries, two pilot projects will be started at the beginning of 1994 in Uganda and Guatemala. These projects are designed to benefit children in particularly difficult circumstances. The target group in Uganda is AIDS orphans. The project will focus on community development concepts to strengthen the remaining family clans and support children who already live away from their extended families. Because of the preventive nature of these concepts they will, if successful, have the greatest possible and most sustainable impact. They might include agricultural extension services, credit programmes, training courses for self-help organizations, income-generating measures and basic health services. The Guatemala project, which addresses the problems of street children, will also focus on preventive and mobile measures.

GREECE

[Original: English]
[18 November 1993]

1. Reference is made in paragraphs 3 and 4 of the Plan of Action for the Elimination of the Exploitation of Child Labour and Debt Bondage to the need for eliminating "economic exploitation" of the minor, such as prostitution relating to children, pornography, the sale of children, the employment of minors in illegal criminal activities and the traffic of narcotic substances.

2. In accordance with article 360 of the Greek Penal Code, anyone who has the obligation to exercise supervision over a minor under 17 years shall be punished if he omitted or neglected to prevent the minor from committing a punishable offence or from engaging in prostitution. If the person is the parent, custodian or guardian of the minor, the penalty to be imposed on him shall be augmented to a prison term of up to two years.

3. In accordance with article 8 of Law No. 1729/87 on combating the dissemination of narcotic substances etc. (replaced by art. 13 of Law No. 2161/93), the use of minors by the perpetrator of a crime concerning drugs during its commission constitutes an aggravating circumstance and is punishable with imprisonment for life and a pecuniary penalty of up to two hundred million drachmas.

JORDAN

[Original: Arabic]
[20 September 1993]

Jordanian Labour Law, section XI

"Employment of women and young persons

"Article 46: Safety

No working woman or young person is permitted to engage in any type of work which the regulations classify as hazardous to either of them.

"Article 47: Night work 1/

Women and young persons must not be required to engage in night work during the period from 7 p.m. to 6 a.m. except in the circumstances determined by decision of the Minister of Social Affairs and Labour.

"Article 48: Restrictions imposed on the employment of young persons 2/

1. No young person under 13 years of age is permitted to work in an enterprise.

2. No young person over 13 years of age is permitted to work in an enterprise unless he or she has obtained a certificate from a medical practitioner duly authorized to issue such certificates attesting that the young person is medically fit for employment in the type of work for which he or she is to be engaged. The competent medical practitioner must estimate the young person's age if he or she does not possess an authenticated birth certificate. The manager of the enterprise must maintain a record of the requisite particulars of every young person employed in the enterprise.

3. No young person may work in an enterprise for more than six hours per day.

4. No young person is permitted to work in any enterprise on any day during which he or she has worked in another enterprise."

1/ This article was amended and replaced by the present text in accordance with the Amending Act No. 25 of 1972.

2/ This article was amended by deletion of the term "formal" wherever it appeared, in accordance with the Amending Act No. 2 of 1965 which was published on page 52 of the Official Gazette No. 1818 of 18 January 1965.

LIECHTENSTEIN

[Original: French]
[1 July 1993]

For the time being, the Government of the Principality of Liechtenstein has no information to provide.

NICARAGUA

[Original: Spanish]
[21 February 1994]

1. In Nicaragua, exploitation of child and juvenile labour takes the following forms:

Payment of wages below the appropriate level for a particular service;

Failure to grant child workers the due social benefits, incentives and entitlements of ordinary workers;

Subjecting children to work not suited to their physical capacities;

Subjecting them to a working day longer than that stipulated by article 148 of the Labour Code (42 hours a week);

Non-inclusion of child workers in attendance lists and payrolls so as to avoid inspections;

Performance of child labour in family groups in which only the father or the mother is officially working;

Disguising child labour as something else (cultural, educational or domestic activity or apprenticeship).

Number of child or juvenile workers

2. According to data from the household survey conducted by the Ministry of Labour in 1993, a total of 6,265 persons between 10 and 14 years of age are at work. It could be that the total number of minors at work is greater, given the tendency of the parents covered by the survey to omit or conceal information.

From the legal point of view, what is meant by "child worker"?

3. "Child workers" are an untypical category in the case of persons under 16 years of age working with the permission of their legal representative. They are an illegal category in the case of persons under 12 years of age whose work is expressly prohibited by law.

4. From another standpoint, "child worker" is a person under the minimum age for admission to employment or, in cases stipulated by law, a person above that age who, regardless of his social circumstances, is compelled to perform a service or carry out a task in the framework of a work engagement or relationship, whether or not permitted by labour legislation.

Labour activities of child and/or juvenile workers

5. These activities are classified as follows:

(a) In the countryside: persons under 14 years of age, outside school hours.

(b) Seafaring and navigable waterways: classification is by age, and specific prohibitions and obligations are laid down. Persons between 12 and 14 years of age must be allowed to attend school. Persons under 15 years of age may not engage in any form of on-board service, unless only the members of one and the same family are employed. Persons under 18 years of age cannot be employed as stokers. The captain is required to obtain a medical certificate for workers, and to keep an up-to-date record of workers in which length of service and other important facts are noted.

(c) Night work: persons under 16 years of age are prohibited from engaging in night work, and persons under 14 years of age from working in theatre, circus and any other kind of public productions which place them at risk.

(d) Industry: persons under 18 years of age are prohibited from working in iron and steel plants, furnace production, glass or paper factories, etc., unless they are over 16 years of age and members of their family work in the same enterprise or the employment concerned is conducted on a rotating basis. Persons under 18 years of age are forbidden to perform mining, underground or industrial painting work.

(e) Informal sector: the greater part of child or juvenile workers are to be found in the informal sector. They work in markets or as itinerants, provide direct services or are disguised as apprentices.

6. According to data collected by UNICEF from various governmental and private bodies two years ago, there are 112,000 child workers in the country, of whom 20,000 are in urban areas (13,000 of them in the capital) and 92,000 in rural areas.

Child labour inspectors

7. The labour inspectors are empowered to impose fines on employers who violate the provisions of the Labour Code regarding the minimum age. Article 2 (X) of the Regulations regarding Labour Inspectors provides that they should:

"Act to ensure that women and persons under 14 years of age do not perform industrial night work or unhealthy or dangerous work and are not employed in public productions or in theatres or circuses, cafes or any other place of entertainment that may endanger their physical, intellectual or moral health or development".

Minimum-age conventions signed by Nicaragua

8. Nicaragua has gradually been adopting the minimum-age conventions.

9. The National Assembly is currently discussing a draft Labour Code, article 141 of which prohibits employers from hiring persons under 14 years of age. If this article is approved, Convention No. 138 as a whole will have been adopted.

10. The draft also prohibits persons between 14 and 16 years of age from working in industrial undertakings and places of entertainment (art. 142), as well as in mines, in tasks involving the use of poisonous or radioactive substances posing a mortal risk or in tasks beyond their strength (art. 143).

11. The draft further provides that authorization by the parents or legal representatives is needed for persons between 14 and 16 years of age to enter into a contractual commitment, and in any case the authorization of the local labour inspector is also required for this purpose (art. 144). Persons under 16 years of age cannot work overtime, at night or on rest days (art. 145). A minor's working day cannot exceed six hours, divided into two periods of which neither shall be longer than four hours; between these periods, which shall not be less than two hours each, child workers shall not remain in the workplace.

12. In a study carried out in 1991, the non-governmental organization INPRHU (Nicaraguan Institute for Human Advancement) concluded that "in the city of Managua, 14,737 children between 7 and 15 years of age are street workers, while the corresponding figure at the national level, in the urban sector alone, is 17,000".

13. Another study supported by UNICEF Nicaragua established that 44 per cent of minors who work are to be found in the informal sector of the economy, with only 5 per cent employed in the formal sector, while 24 per cent engage in marginal activities. The same study determined that 24 per cent of minors, basically children under 13 years of age, are performing domestic tasks in order to obtain some kind of income.

PHILIPPINES

[Original: English]
[17 December 1993]

Introductory Note

1. The Department of Labor and Employment (DOLE) wishes to inform all concerned that the Government has recognized the problem of child labour and has taken serious measures to address/alleviate their condition. The following shows the action taken by the Government together with comments on some points raised in the Programme of Action.

2. This Department had duly noted that paragraph 19 of this Programme provides that:

> "States should, until such time that child labour is eliminated, pay specific attention to the issue of protection of working children and make recommendations on ways and means to ensure that their working conditions are kept under scrutiny and control."

3. This is exactly what the Philippines have been doing, fully aware that the elimination of child labour is difficult to attain in a developing country. Its economy cannot as yet provide even the basic needs of many Filipinos and its culture inculcates labour to a child as a virtue.

4. The Philippines' Government, therefore, has been paying specific attention to the issue of protecting our working children and promoting their welfare. The Philippine thrust has been towards the elimination of all child work in hazardous occupations. Needless to say, this thrust is also geared towards eliminating child labour.

General: paragraphs 1-9

5. This Department fully concurs with the Programme's general statements that there remains persistent prevalence of child labour despite encouraging programmes and development (para. 1); the need to emphasize on the new phenomena of child labour exploitations (para. 4); the need for special attention to the most vulnerable categories of children (para. 6); social rehabilitation, education and information (para. 8); and adequate and concerted measures at all levels (para. 9).

6. As in many countries, industrialized countries not even spared, poverty is the main cause of child labour in the Philippines. Indeed, generations of children should not be condemned to exploitation until poverty is overcome. Hence, the Philippine Government, through this Department, initiated a Philippine action programme for child workers which gained the support, as early as 1988, of UNICEF, as well as of no less than 10 government and non-governmental organizations, namely:

(i) Department of Health;

(ii) Department of Social Welfare and Development;

(iii) University of the Philippines;

(iv) Philippine Information Agency;

(v) Department of Interior and Local Government;

(vi) National Council of Social Development Foundation;

(vii) Trade Union Congress of the Philippines;

(viii) Labour Advisory Consultation Council;

(ix) Employers Confederation of the Philippines;

(x) Local government units.

7. This action programme is called "Breaking ground for community action on child labor" (hereinafter referred to as the child labor programme (or CLP). The CLP has initiated long-term as well as medium- and short-term actions to solve the problems of child labour.

8. To provide a focal and coordinating government body to implement the CLP, this Department issued the Administrative Order No. 2 series of 1992 creating a CLP management team in 1992 composed of a finance and administrative unit; a technical service unit; and a policy development and legal protection unit in this Department.

9. To date, the CLP has been implemented at the lowest political unit of the Philippine Government, the barangay level, in 13 regions of the Philippines. Specially at this local level, municipal resolutions and municipal ordinances have been passed in support of the thrust of the child labour project, for example banning children below 18 years of age from operating padjack/non-motorized tricycles or from other hazardous occupations. In some project areas, the CLP has already been included in the local development plans of the municipality.

10. For municipalities which have existing municipal ordinances for working children, local officials are now concerned with effecting/enforcing/reviewing the effectiveness of said ordinances.

11. At the barangay level, Barangal Councils for the Welfare of Children (BCPC) are being organized. These BCPCs are envisioned to serve as major protectors of working children's rights and welfare. This in effect has provided what paragraph 9 of the Programme calls for: adequate and concerted measures at the local, national, regional and international levels.

Paragraph 5

12. The Philippines' Government has gone beyond paragraph 5 as it has been acting under the CLP since 1988. Fourteen years before that, in 1974, the Philippine Labor Code prohibited the employment of children below 18 years of age in hazardous occupations (article 139 of the Labor Code, as amended).

13. The Government has set its targets. By the year 2000, 80 per cent of the estimated 0.8 million employed children aged 10 to 14 and 1.3 million aged 15 to 17 will have been taken out from their hazardous working conditions.

Paragraph 7

14. To counter poverty, the root cause of child labour cited in paragraph 7, the CLP as assisted by UNICEF has extended livelihood assistance to the families of working children. This assistance is aimed at augmenting their family income and enhancing the transfer of working children from hazardous occupations to those that do not impair their normal development and, where possible, at encouraging the complete cessation of child employment.

Information (para. 10)

15. As stated earlier, no less than 10 government organizations and NGOs have supported the Philippine Child Labor Program. One of these is the Philippine Information Agency. It is an active participant in the implementation of the Social Mobilization and Advocacy Plan of the CLP. Part of the plan is the production and development of tri-media information, education and campaign materials such as cinema, television and radio plugs, posters, brochures and primers, regular press releases, and a slide tape presentation.

16. Aside from ensuring that crucial sectors are reached by these materials, stress is placed on reaching the child labourers themselves so that more than anybody else they can be aware of the dangers their work poses for their health, growth and development and can thus help in effecting action to protect their own rights and well-being.

Education and vocational training (para. 11)

17. The Philippines' Government has also looked into and acted on this aspect. One distinct feature of the child labour phenomenon in the country is that the majority of working children are actually in school, undertaking formal education classes. None the less, an assessment of the educational needs of these children was conducted to determine their special problems and specific action taken to improve the school performance of in-school working children, namely, remedial and tutorial classes. On the other hand, itinerant teaching, skills enhancement, the Philippine Equivalency Placement Test and a basic literacy course, are given to identified out-of-school working children.

18. Cognizant also of the effect of the lack of adequate education of parents as another factor that pushes children to engage in various types of work, special educational services, such as adult tutorial classes, basic literacy and consciousness raising activities, are given for parent beneficiaries. These moves help make the parents understand their parental roles and obligations.

Social action (para. 12)

19. The poverty of child-labour families lead to their deprivation. Therefore, remedial measures have been and are being employed to address the most pressing needs of these children.

20. Aside from the focused medical as well as educational assistance given to the children labourers, their families are also given livelihood assistance. These services are supported by instructional programmes such as the Basic Business Management Training, Parent Effectiveness Seminar as well as education to ensure that beneficiaries are fully prepared to assume their social and family responsibilities.

Development aid (para. 13)

The role of United Nations bodies and specialized agencies (paras. 26-33)

21. UNICEF has come to the country's assistance in its endeavour to implement the Philippine Child Labor Program. Indeed, with its limited resources, the country needs appropriate international assistance and deep commitment by the international community, particularly in providing livelihood assistance to the poor families of child workers, will be most welcome.

Labour standards and their application (para. 14)

22. The following shows the Philippines' adherence to labour standards in force:

A. Legislation

23. The Republic Act No. 7610, the Labor Code of the Philippines, as amended, its Implementing Rules and Regulations and Presidential Decree No. 603 or the Child and Youth Welfare Code provide as follows:

(a) The Republic Act No. 7610 (approved on 15 June 1992) allows employment of children below 15 years of age under certain conditions. This law has attracted negative reactions here and abroad primarily from the Department of Labor and Employment as it is contrary to the Philippine national policy of not employing children below 15 years of age, as well as to ILO Convention No. 59 which the Philippines has ratified. This Department, therefore, has spearheaded the repeal of this law in Congress. So far, Congress is cooperating in this endeavour. As of the middle of September 1993, the anti-child labour or amendatory bills to Republic Act No. 7610, House Bill No. 8179 and Senate Bill No. 1155, have passed their third and second readings, respectively.

(b) Article 139 (c) of the Labor Code, as amended, states that no person below 18 years of age shall be employed in an undertaking which is hazardous or deleterious in nature as determined by the Secretary of Labor and Employment.

(c) Rule XII, section 3, of the Rules Implementing the Labor Code provides that children between 15 and 18 years of age may be employed in any non-hazardous work. Non-hazardous work means any work or activity in which the employee is not exposed to any risk which constitutes an imminent danger to his safety and health. The Secretary of Labor shall from time to time publish a list of hazardous work and activities in which persons below 18 years of age cannot be employed.

(d) Presidential Decree No. 603 provides that children below 16 years of age may be employed to perform light work which is not harmful to their safety, health or normal development and which is not prejudicial to their studies (sect. 107). Furthermore, if a domestic employee is under 16 years of age, the head of the family shall give him the opportunity to complete at least elementary education, the cost of which shall be a part of the domestic's compensation unless there is a stipulation to the contrary (art. 110).

B. Administrative/Department Orders

1. Guidelines for hazardous occupations

24. Pursuant to the Labor Code provisions, the Secretary of Labor passed Department Order No. 4 series of 1973 - List of Hazardous Occupations for persons 18 years of age and below, which is now undergoing updating and review. At the same time, the technical guidelines are being prepared to define more accurately the hazardous work processes in which persons 18 years of age and below cannot be engaged in.

2. Working hours of children

25. The Department of Labor and Employment (DOLE) has prepared draft guidelines on working hours for children in the entertainment industry and consultations with the movie/radio industry have been conducted last 7 May 1993 regarding the same. The draft guidelines are at present undergoing review by a tripartite consultative body, the Tripartite Industrial and Peace Council.

3. Established labour inspection system

26. The enforcement arm of DOLE is the 14 Regional Offices which has each a labour standards enforcement division consisting of labour inspectors tasked with the implementation of labour standards laws and policies in all establishments. DOLE has presently a total of 250 inspectors only, far from the actual needs. However, legislative measures to increase this number of inspectors for better and more effective inspection coverage are now pending in Congress.

4. Penalties for violation of labour standards

27. The Labor Code provides penalties for non-compliance with labour laws. However, imposition requires the filing of criminal cases against the perpetrators. A legislative bill is now pending whereby it is proposed that DOLE be given the authority to impose administrative fines and penalties for violations of labour standards.

Duties of States

Paragraphs 15-21

28. The ratification of the Convention on the Rights of the Child and the ILO Minimum Age Convention, 1973 (No. 138) are legislative actions that are pending. Nevertheless, and as stated above, the Philippines primarily through this Department has been implementing programmes of action that are similar to the aims of these Conventions. These programmes have in fact narrowed the gap between legislation and its implementation, although there are practices influenced by culture that have to be gradually tackled.

Paragraph 22

29. As part of the CLP action is being taken to strengthen cooperation between the police and all public and private organizations which deal with cases of exploitation of child labour. Such agencies as the National Bureau of Investigation have also been tapped for cooperation and coordination for this purpose.

Paragraphs 23 and 24

A. Enforcement programmes

1. Priority for inspection

30. DOLE Administrative Order No. 63 s. 1993 is the latest in a series of policies to improve enforcement policies against child labour. Specifically, section 3 of said Administrative Order directs the inspectorate to give establishments identified as employing child workers special priority for inspection.

2. Upgrading skills of inspectorate

31. It is a policy of this Department that labour inspectors must undergo and pass the basic training programmes for labour inspectors before they can conduct inspection. The Bureau of Working Conditions of this Department, which exercises technical supervision over the labour inspectorate, conducts such training, which include modules dealing with child labour concerns.

B. Training programmes

32. To provide and strengthen national and regional project implementors' knowledge of child labour realities, existing policies and programmes, a number of seminars and workshops have been conducted for their benefit on:

Child Labor Program orientations and consultative conferences; community organizing, work and financial planning; Child Labor Handbook Writeshop; coordination, monitoring and evaluation scheme; and employment and income generating project management.

Cooperation at the local, national and international levels (paras. 34-39)

Paragraph 34

33. In consonance with the advocacy thrust of the child labour project, Information Education Campaign (IEC) materials were prepared in the Bicol and Visayan dialects.

34. Children's theatre, with the participation of child labourers themselves, is organized and staged to effectively convey their message. This strategy is found to be quite effective in gaining public support.

Paragraph 35

35. The CLP is an inter-agency collaboration with its implementing arm at the barangay level. The planning/implementation process is characterized by collaborative efforts and focused delivery of basic and special social services.

36. We are also striving to develop and maintain constructive partnership with non-governmental organizations, people's organizations, workers' and employers' groups and other concerned sectors. This partnership enhances programme implementation at all levels.

Paragraph 36

37. In 1992, the CLP has broadened the inter-agency network of support groups to respond to the multi-faceted problems of working children. This is intended to develop more effective coordination in the delivery of basic services for working children and their families. Invited to be part of the project were the Employers Confederation of the Philippines, the Trade Union Congress of the Philippines, the Labor Advisory Consultation Council and non-governmental organizations led by the National Council of Social Development Foundation of the Philippines, Inc.

38. Indeed, the Philippines' Government has virtually gone steps ahead of this Programme of Action for the Elimination of the Exploitation of Child Labor adopted by the Commission on Human Rights on 10 March 1993. It will push ahead with its plans towards the elimination of all child work in hazardous occupations and continue until it has reached our goal of the elimination of child labour.

POLAND

[Original: French]
[28 December 1993]

Introduction

1. There is no definition of a "child" in Polish legislation. The latter makes use of a number of terms, such as "minor child", "minor" and "juvenile". The Labour Code defines a juvenile as a person who has reached the age of 15 years but not yet that of 18 years.

2. Taking the definition of a child contained in the Convention on the Rights of the Child, which Poland signed in 1989, the word will here be deemed to apply to every human being below the age of 18 years.

3. This report on the implementation of the Programme of Action for the Elimination of the Exploitation of Child Labour seeks to analyse the situation concerning the protection of children by the Government against employment at an excessively early age, the conditions to be met when children are employed and the problem of social assistance to children and their families.

1. Some characteristics of the "juveniles" group

4. According to the Annual Statistical Bulletin for 1992 published by the Central Statistical Office, there are 1,736,000 juveniles in the 15-17 age group; 51.4 per cent of them are boys and 49.6 per cent girls; 67.2 per cent of juveniles live in towns.

5. Within this group 88 per cent are occupationally inactive, i.e. they are not working but are attending day schools of different types and at different educational levels or are living at home in towns or in the country.

6. Juveniles in employment make up 11.3 per cent of the total (4.8 per cent of those living in towns and 24.8 per cent of those living in the country). Generally speaking, 1 juvenile out of 9 is in employment - 1 out of 20 in the towns and 1 out of 4 in the country.

7. A breakdown of juvenile employment by sector of the national economy yields the following findings:

(a) The largest group of juveniles in employment (68 per cent) work in agriculture, mainly as helpers on family farms;

(b) The second largest group of juveniles in employment (18 per cent) consists of those working in industry. Employment of this type relates primarily to opportunities for juveniles to obtain occupational skills through apprenticeship or on-the-job training;

(c) A substantial proportion of juveniles are employed in commerce (mainly girls) and the building trades (mainly boys);

(d) Ninety per cent of juveniles are working part-time. This is due partly to the fact that as apprentices in enterprises they have special rights and partly to the fact that they are employed as helpers in non-agricultural family enterprises.

2. Problems of employment of children as reflected in Polish legislation

8. Article 190, paragraph 2, of the Labour Code prohibits the employment of persons who have not reached the age of 15 years.

9. As exceptions to this rule, persons who have reached age 14 but not yet age 15 and have completed their primary schooling may, at the request of their legal representatives, be employed in order to learn a trade, while handicapped persons may be employed in cooperatives of disabled persons to receive training for a specific job.

10. All persons in this age group must before entering employment present a medical certificate confirming that the work to be undertaken is not dangerous to their health.

11. Only juveniles who have completed at least their primary education and have presented the requisite medical certificate may be employed.

12. Polish legislation stipulates that a worker under age must continue his education until he reaches the age of 18 years unless he has acquired sufficient vocational skills at school. There are two possible exceptions to this rule. The first relates to juveniles who have not completed their primary education; they may be employed in seasonal or temporary work. The second relates to juveniles over 16 years of age with no vocational skills and not continuing their education in a secondary school. Such persons may be employed by public enterprises in simple tasks or housekeeping duties not requiring the use of machines or apparatus provided that employment of that type is in the public interest and in that of the juveniles themselves. In the latter case the medical officer must authorize the employment of the juvenile in a specific job after having ensured that work of that type will not endanger his or her health.

13. Each enterprise is required to designate a highly experienced employee to ensure compliance with the regulations concerning occupational safety and health, the types of work in which the employment of juveniles is prohibited and the special health protection of juveniles.

14. The Labour Code stipulates that juveniles without vocational skills may be employed only for the purposes of acquisition of such skills.

15. Contracts of employment concluded for purposes of apprenticeship in a trade must specify the nature and duration of the vocational training to be given to the juvenile and the amount of remuneration payable to him.

16. Enterprises are required to release juveniles from their work for such time as is necessary (subject to a maximum of 18 hours per week) to enable them to attend classes and complete their education.

17. There are specific regulations governing the problems of the apprenticeship of juveniles employed in public and private enterprises and handicraft establishments. These regulations specify the duties of enterprises towards juveniles with a view to securing for them proper conditions for apprenticeship in a trade or training for a specific job. They also lay down the principles to govern the remuneration of juveniles during apprenticeship for a trade, specifying the level of remuneration during each year of apprenticeship; that remuneration is calculated as a percentage of the average wage in the five principal branches of the public sector of the economy.

18. The Labour Code and the regulations implementing it lay down specific conditions governing the employment relationships of juveniles employed in enterprises.

19. A contract of employment concluded between an enterprise and a juvenile is subject to the regulations governing contracts of employment for unspecified periods.

20. Before entering employment the juvenile must undergo an initial medical examination; throughout the period of his employment he must undergo periodic examinations and medical clearance tests.

21. If the work being performed by a juvenile is dangerous to his health, the enterprise must transfer him to another job or terminate his contract of employment, paying him compensation at the rate of his remuneration during the period of notice.

22. The contract of a juvenile employed to learn a trade may be terminated with notice only in the following cases:

(a) Where the juvenile fails to perform his duties under the contract or to discharge his obligations with regard to the instruction imparted, notwithstanding the educational measures applied to him;

(b) Where the enterprise becomes bankrupt or is reorganized to such an extent that continuation of the apprenticeship for that trade is impossible;

(c) Where it is established that the juvenile is unsuited for the work for which he is being trained.

23. The specific conditions of work applicable to juveniles are as follows: the working hours of a juvenile under 16 years of age may not exceed six per day, while those of a juvenile over 16 years of age may not exceed eight per day. Working hours are deemed to include periods spent in education, irrespective of whether they are organized during working hours or not, subject to a maximum of 18 hours per week.

No juvenile may be employed on overtime or night work. Juveniles must be allowed rest periods at night of not less than 14 hours.

The Labour Code prohibits the employment of juveniles in types of work prohibited to them. Juveniles over age 16 may be employed on certain types of prohibited work if such employment is essential for their apprenticeship in the trade concerned.

Six months after the date on which he starts work a juvenile becomes entitled to leave at the rate of 20 working days per year of employment. After a year of employment his entitlement increases to 26 working days per year.

24. The law prohibits the employment of juveniles in certain types of work. In pursuance of the delegation of legislative power assigned to it, the Council of Ministers issued an Order dated 1 December 1990 (DZ. U. No. 85, poz. 500 and No. 1 of 1992, poz. 1) concerning the types of work in which the employment of juveniles is prohibited and containing a schedule of the prohibited types of employment. The order amended the regulations on the subject issued in 1958, 1959 and 1987. The prohibited types of work are those involving -

(a) Excessive physical effort, the transport of heavy loads or the adoption of unnatural body positions;

(b) A harmful microclimate in the working environment;

(c) Unsatisfactory lighting;

(d) Noise and vibration;

(e) Work in magnetic or electrostatic fields or work in which there is a risk of exposure to ionizing, ultraviolet or infrared rays;

(f) Work under abnormal atmospheric pressure;

(g) Exposure to the harmful effects of dusts;

(h) Exposure to harmful biological factors;

(i) Exposure to the effects of harmful chemical substances;

(j) Work of a nature to hamper normal physical development;

(k) Work which may cause lesions to juveniles and constitute a danger to other persons.

25. On the basis of this schedule enterprises are required to prepare a register of prohibited jobs and types of work in which the employment of juveniles is not permitted and a separate register of jobs and types of work in which the employment of juveniles is permitted in order to enable them to learn a trade. The registers must be drawn up in cooperation with the medical officer in the enterprise who provides medical attention for juveniles, and also in agreement with the trade union organizations in the enterprise or, failing them, with other representatives of employees.

26. The employment of juveniles in jobs prohibited to them must be confined to apprenticeship in the basic functions essential for the practice of that trade; it may not be of a permanent character.

27. It must be emphasized that, under the terms of the Order of the Council of Ministers dated 1 December 1990, enterprises employing juveniles in work in a prohibited category must ensure specific protection of their health, and in particular -

(a) Organize the work and the occupations of the juveniles in the enterprise in such a way that they are always under the supervision of a person designated for the purpose;

(b) Ensure that the rest breaks during work arranged for juveniles are spent in premises free of any harmful elements present in their working environment;

(c) Ensure that juveniles make use of protective clothing and individual protective equipment and that they comply with the occupational safety and health regulations, and also organize a course of instruction in the effective use of individual protective equipment and in compliance with the regulations concerning occupational safety and health.

28. The work performed by juvenile apprentices must be carried out under the supervision of professional instructors or other persons authorized to train others in a trade.

3. Some problems relating to the activity of voluntary work groups and of the Polish Handicrafts Union to promote employment among juveniles

29. In Poland there are 22,515 juveniles between ages 16 and 18 who are working and learning a trade in volunteer work groups. Juveniles who have not completed their primary schooling can complete their basic education and be trained for specific jobs. Juveniles who have left primary school receive their vocational training in the enterprises employing them or continue their education in basic vocational training schools, or by taking individual courses, while working.

The employment of juveniles in enterprises is based on individual or group contracts concluded between the employers and the authorities responsible for the volunteer work groups. The contracts contain detailed provisions on the general principles governing employment and apprenticeship for a trade and also the specific conditions relating to occupational safety and health. In recent years the voluntary work groups have increased the employment of juveniles designed to furnish them with training in handicraft enterprises. They also organize seasonal and after-school employment for juveniles in difficult financial circumstances.

30. There are currently 444 permanently-based and itinerant voluntary work groups. The permanently-based groups have lodging facilities and accept juveniles experiencing particular difficulties in their own environments.

31. Handicraft enterprises employ 180,000 juveniles, either on an apprenticeship basis or to prepare them to practise a trade. A juvenile who can only learn the practical aspects of a trade in a handicraft undertaking complements his knowledge by means of compulsory training courses. The regulations in force lay down detailed rules concerning the principles to govern the employment of juveniles in handicraft undertakings for apprenticeship purposes.

4. Irregularities relating to the employment of juveniles in enterprises

32. The National Labour Inspectorate is responsible for monitoring compliance with and enforcing the legislation concerning the employment of juveniles. Article 281 of the Labour Code empowers the labour inspectors to take punitive measures, such as the imposition of fines, against persons breaching the regulations on the protection of the employment of juveniles. It must be emphasized that failure to comply with any regulation on the protection of the employment of juveniles contained in the Labour Code or the regulations to implement that Code is treated as a breach of the law.

33. In 1992 the labour inspectors inspected 2,490 enterprises, employing 31,772 juveniles, the latter making up 8.8 per cent of the total labour force of the enterprises concerned.

34. The results of the inspections revealed that many small economic units, either through ignorance of the legislation or deliberately, had not taken the necessary organizational and technical measures to prepare themselves to provide training to juveniles.

35. Numerous irregularities were observed. In particular, registers of jobs and types of work which are respectively prohibited and permissible for juveniles were not being kept; and juveniles were being admitted to employment without requirement of the protection of medical certificates and without any courses on occupational safety and health having been organized.

In the more than 2,000 enterprises inspected, 1,957 juveniles had been unlawfully admitted into employment of types dangerous to their health and lives, mainly in small private enterprises.

36. The inspections revealed that juveniles were using machinery and apparatus which did not have the required guards and were working in premises which were unsatisfactory from the point of view of occupational safety.

In some enterprises juveniles were being employed without any supervision by persons qualified to teach the trade concerned.

37. In over 20 per cent of the enterprises inspected, 2,500 juveniles had been admitted to employment without having submitted medical certificates testifying to the absence of any contraindications to employment.

38. In many enterprises no protective clothing or individual protective equipment had been distributed to juveniles, and in addition the allowance for use of their own clothes had not been paid. In most of the small enterprises

the employers, instead of concluding apprenticeship contracts, were concluding short-term contracts (known as service contracts) under which the juveniles were not learning a trade, but simply performing a job.

39. In many private enterprises the contracts of employment with juveniles had not been confirmed in writing.

40. In many cases employers did not respect the right of juveniles to holidays.

In 145 enterprises the remuneration of juveniles had been reduced.

In 47 enterprises, over 1,000 juveniles had been refused payment of any remuneration or benefits.

41. There were cases in which the employers required the parents of the juveniles to repay the cost of the apprenticeship. There were also cases in which juveniles waived their remuneration in favour of another person.

42. In the light of the numerous cases of breaches of the legislation on the protection of the work of juveniles, the labour inspectors issued 1,052 orders, comprising 2,017 decisions, requiring the cessation of irregularities in the occupational safety and health field (for instance, by ordering the transfer of juveniles to other work) and prepared 1,216 interventions, with 2,765 recommendations and orders for the cessation of breaches of the regulations.

43. They also instituted legal proceedings against persons committing breaches of the rights of workers and imposed penalties on 739 persons.

It is intended to strengthen the supervisory role of the National Labour Inspectorate, especially vis-à-vis small private enterprises, with a view to securing compliance with the regulations concerning the employment of adolescents.

5. Social assistance

44. Social assistance is an instrument of State social policy designed to enable individuals and families in difficult circumstances and unable to overcome these with their own resources and the opportunities and rights available to them to re-establish themselves.

45. The objective of social assistance is to meet the basic needs of individuals and families. It should as far as possible make individuals and families autonomous and integrated into their environment.

46. Care and special assistance are provided by the scheme to those families in which the normal development of the children is threatened because of malfunctions within the family itself. One such malfunction is the exploitation of children. This may take different forms.

47. At the local level the interventions of the social assistance scheme are effected directly by social workers; in most cases the latter are the first to identify problems of exploitation of children within the family.

48. A social worker who observes a situation of this kind has the right to take a certain number of measures and by so doing becomes the spokesman of children and the intermediary ensuring that their rights are respected.

49. In the trading programme for social workers the problem of child exploitation is studied in the broader context of current social problems - poverty, homelessness, unemployment, drug addiction, delinquency and prostitution. Attention is drawn to the causes, the social effects and the regulations in force in relation to each of the subjects studied.

50. The new training programme for use in schools for social workers (i.e. schools training future social workers) has the same characteristics. However, the time is not yet ripe for an evaluation of its effectiveness, as it was introduced only in September 1993.

In addition to providing financial assistance, social work plays a vital role within the social assistance scheme. It involves assisting families, solving the problems of their daily lives or of schooling, strengthening or restoring their ability to function within society and creating conditions propitious for the achievement of that goal.

Intervention of this kind is desirable in cases of families showing pathological symptoms.

51. The core of the assistance given to families in which the normal development of the children is threatened consists of measures taken by the social assistance centres. The services offered include:

- Day centres offering specialist therapy for children in alcoholic families;
- Legal, educational and psychological counselling;
- The organization of events to raise funds for activities undertaken on behalf of children;
- Meals for children in the poorest families;
- Other activities designed in accordance with the specific nature of the needs and the facilities available locally.

52. As part of their efforts to provide care for children in families with problems and needing assistance, the social assistance institutions generally coordinate their activities with those organized by schools and non-governmental organizations and cooperate closely with teachers, school supervisors and child welfare institutions.

CONCLUSIONS

53. Polish legislation makes primary schooling compulsory and prohibits the employment of children under 15 years of age, thus offering clear proof that Poland is opposed to the exploitation of child labour.

54. Juveniles may be employed in enterprises solely for the purpose of learning a trade; this restriction protects this social group against premature admission to employment.

55. The specific measures applicable to employers who admit juveniles to work of types which are prohibited to them or to work which fails to comply with the occupational safety and health regulations forces the employers concerned to ensure decent working conditions for the juveniles they employ.

56. The development of the market economy and the creation of new enterprises with small numbers of employees, which change the nature of their production according to needs, use obsolete technologies and consequently have low occupational safety standards, are also reflected in the working conditions of the juveniles employed in those enterprises.

57. Irregularities in the conclusion and termination of employment contracts and in the employment relationships encountered in many economic units of recent creation also affect juveniles.

58. According to the findings of the supervisory activities of the National Labour Inspectorate, irregularities are being detected and eliminated. It may therefore be concluded that the problem of exploitation of child labour is practically non-existent in Poland, first of all, because under conditions currently prevailing in that country children achieve social and financial autonomy very late, and secondly because the system of State protection against the exploitation of child labour is well developed.

59. The economic changes currently taking place and the social phenomena to which they are giving rise have an impact on the employment of juveniles requiring special vigilance on the part of the State and rapid intervention by the latter whenever irregularities occur.

RUSSIAN FEDERATION

[Original: Russian]
[15 October 1993]

1. State of the problem; its causes and consequences

1. The problem of the exploitation of child labour is on the whole a fairly new phenomenon for contemporary Russia.

2. Full statistical or analytical information on this subject is lacking up to the present time. A further difficulty is that most of the children concerned are unpaid family members, are employed in the informal sector or working illegally. For lack of the appropriate statistical base, the urgency of this problem cannot be assessed on a country-wide scale.

3. It is obvious, however, that the number of such children is increasing in both absolute and relative terms and that the exploitation of children is becoming one of the most alarming aspects of the situation on the Russian labour market.

4. One method of determining the number of working children is to establish the school enrolment rate. The majority of children not attending school may be considered to be working. There is, however, a qualification to be added: many working children, especially in the towns, attend school at the same time.

5. According to a sociological survey made in 1993 by the Sociological Information Service for Young People, of 1,420 Moscow adolescents aged 12 to 17 years involved in gainful occupations of various kinds, 52 per cent are employed in what is described as direct commercial activity - street trading, acting as go-betweens and the like - while 33 per cent wash cars, sort and deliver mail, or work at loading and unloading, as messengers, typists and so forth.

6. In common with many other worsening problems connected with the activity of children, the sources of child exploitation lie in the critical state of society, characterized by a severe drop in the standard of living of the overwhelming majority of families.

7. The income of more than one third of the population of Russia is below the minimum subsistence level, which may be regarded as a physiological poverty line. As matters stood in July 1993, the minimum subsistence figure was 18,800 roubles and for a child about 20,000 roubles, while the average per capita income of the population of Russia was scarcely more than 30,000 roubles a month.

8. A change is taking place in the poverty pattern. Families with minor children, and especially those with two or more children of school age, have become the main category of poor people.

9. Child labour is an unavoidable result of poverty. It is a generally acknowledged fact that in many cases the labour of the children in the family is the means of survival.

10. With parents' wages at their present level (52,000 roubles in July 1993), which does not cover the normal consumption of the family and the child according to the standards of what is socially necessary, accustoming some of the children to unsupervised labour becomes unavoidable. In some cases the children's earnings are the family's main source of income. For example, the daily earnings of a car washer in Moscow run as high as 40,000 roubles.

11. The worsening material circumstances of the families have made it necessary for the parents to seek additional earnings, more employment, and have, of course, weakened their surveillance over the children. According to data from the Federal Employment Service of the Russian Federation, the number of people working under contract during their time off from work had almost doubled by the end of 1992. Whereas previously the family protected the children up to the beginning of their independent working life, now the children are to some extent confronted directly with all the problems of adults. An ever-increasing number of children can be described as "social orphans", i.e., the family has ceased, so far as they are concerned, to be a factor determining behaviour, moral attitudes and values.

12. Annual inspections into the matters dealt with by the Home Affairs bodies concerned with minors reveal that some 100,000 parents not only do not attend to their children's upbringing but even have an adverse influence on them. In these circumstances, the number of unsupervised children is increasing sharply. Thus the causes of child labour are also rooted in their social deprivation.

13. Education is an important means of preventing the exploitation of child labour. However, as a result of qualitative changes in society as a whole and in the education system in particular, State expenditure for these purposes has been significantly curtailed and free State education is being destroyed. In 1991 alone, the volume of schools brought into operation in Russia as a whole fell 27 per cent short of the 1986 level.

14. In a situation of shrinking budgetary financing for education, in the absence of a scientifically sound State standard of general education with new model textbooks and teaching literature and qualified teaching staff, a real danger arises that the children's right to receive education at the necessary quality will be violated.

15. The situation is being intensified by the continuing uncontrolled departure of pupils from educational establishments on the basis of article 19 of the Education Act of the Russian Federation. In 1985, 15,543 adolescents dropped out of school without a valid reason; in 1992 more than 50,000 did so. At the same time the system of out-of-school establishments is in the process of being destroyed, voluntary associations for children are going out of operation without being replaced by alternative organizations, and this has significantly reduced the scope for adolescents to make good use of their leisure time.

16. Furthermore, the commercialization of leisure is going ahead at full speed. The clubs and sports sections in greatest demand among adolescents are beginning to charge fees and are thus becoming inaccessible to them. In the main, their pastimes are limited to visiting video parlours where, in the absence of State control over the stock-in-trade, films are shown which foster the cult of violence and cruelty and which are not in keeping with generally accepted notions of morality.

17. Children's camps have a special place in the system of out-of-school establishments. In 1992 alone, however, the number of work and leisure camps shrank by one third and that of day camps by 50 per cent, while the premises housing libraries, clubs, circles and sections which closed down and were handed over to commercial users were in the tens of thousands.

18. In their turn, the worsening problems of finding socially useful employment for minors are having a highly unfavourable effect on the crime rate among adolescents. Over the past five years the number of minors who are not working anywhere, who are not studying, and who have committed crimes has almost trebled.

19. The number of recorded crimes committed by minors increased by 15.5 per cent in the past year alone. At the same time, the criminal population among minors is growing younger. In 1988-1992 the number of adolescents aged 14 to 15 years involved in crime increased by 55 per cent. Furthermore, every third adolescent who has broken the law lives in a family in which the parents abuse alcohol, do not attend to the children's upbringing and do not control the children's conduct.

20. The extensive involvement of children and adolescents in the shadow labour market is accompanied by a profound change in the social values of the population of Russia. The predisposition in favour of a conscientious attitude to work, of acquiring high qualifications and of receiving an education is diminishing. In an ever-increasing degree, success in life is associated among the adolescent generation, not with family values, but with financial success and material prosperity.

21. A significant proportion of adolescents have been drawn into illegal business, seeing in it one of the main sources of quick wealth. At the same time, the more profitable the children's business, the closer it is to crime.

22. The criminal world often makes use of children to serve its own ends, knowing that up to the age of 14 they are not liable to criminal penalties. Adolescents are hired to dispose of stolen goods and to sell drugs and weapons. Thus 3.5 times as many adolescents were arrested for selling drugs in Moscow in the first six months of 1993 as in the corresponding period of 1992 and almost four times as many for extortion.

23. Adolescents are already taking an active part, for reward, in such new forms of crime as racketeering, or the abduction of children for sale.

24. All working children, however they are employed, are being deprived of part of their childhood, but this applies in the highest degree to those who are forced to work as prostitutes. Individual investigations show that children so employed have in most cases run away from home.

25. Adolescents flee from beatings, cruel treatment and the amoral conduct of their parents. About 50,000 children leave the family for these reasons every year.

26. All these phenomena are occurring against a background of continuous reorganization of the social and State structures which are called upon to perform educational and preventive work with minors.

2. Legislative regulation of child labour

27. The basic solution to any problem is effective legislation. The former Soviet Union ratified ILO Convention No. 138 concerning Minimum Age for Admission to Employment. Russia, in its capacity as legal successor to the Soviet Union, has confirmed its attachment to the international legal instruments which the Union adopted. One of the tasks of the legal reform in progress in the country is the reconstruction of Russian law in accordance with international rules and standards, including those concerning the exploitation of child labour.

28. On the basis of the provisions of the Convention, the labour legislation of Russia lays down fairly full regulations to protect children from exploitation.

29. Article 173 of the Labour Code of the Russian Federation fixes the minimum age for admission to work at 16 years. In exceptional cases, minors who have reached the age of 15 years may be admitted to work by agreement with the trade-union bodies of the enterprise, institution or organization. It is also possible for schoolchildren who have reached the age of 14 years to be admitted to work in order to perform light tasks not harmful to health in the free time left over from their studies. In such a case, the child is admitted to work with the consent of one of his parents or of a person acting in lieu thereof (art. 173, para. 3, of the Labour Code of the Russian Federation).

30. Minors in employment relationships are guaranteed equal rights with adults. Furthermore, persons under 18 years of age enjoy a series of advantages with regard to hours of work, holidays, occupational safety and health and certain other working conditions.

31. Article 43 of the Labour Code of the Russian Federation prescribes shorter hours of work for persons under 18 years of age: for persons between 16 and 18 years of age: 36 hours; for persons between 15 and 16 years of age: 24 hours a week. For schoolchildren aged 14 to 16 years working during the holidays, the working week may not exceed 24 hours. For schoolchildren working in their free time, the hours of work may not exceed half the standard time prescribed for persons of the age concerned.

32. The length of the working day is determined by the house labour rules of the enterprise, institution or organization in accordance with the standard laid down for the working week. Where a 6-day week is worked, the length of the working day may not exceed 6 hours if there are 36 hours in the working week or 4 hours if there are 24 hours in the working week.

33. Notwithstanding the reduced hours of work, the wages for workers under 18 years of age are paid at the same rate as to workers in the category concerned who work full time. The labour of minors admitted to piece-work is remunerated at the piece-rates fixed for adult workers, with extra pay at the tariff rate for the time by which their hours of work are reduced. The labour of schoolchildren is remunerated in proportion to the time worked or according to output. Enterprises, institutions and organizations are entitled to fix the addition to schoolchildren's wages out of their own resources.

34. Persons under 18 years of age are admitted to work only after a preliminary medical examination. Further medical examinations are carried out annually until the age of 18 years is reached.

35. In the interests of preserving the health of minors, the law limits the range of jobs in which their labour can be used. Under article 175 of the Labour Code of the Russian Federation, the use of the labour of persons under 18 years of age in work under harmful or hazardous conditions or in arduous work is prohibited. The list of such jobs is approved by a resolution of 10 September 1980 of the State Labour Committee of the Soviet Union and the All-Union Central Council of Trade Unions. The use of minors' labour in underground work is also prohibited. Vocational instruction for young people in the specified occupations is permitted provided that the worker has reached the age of 18 years by the time the instruction ends. In addition to work under arduous or harmful conditions, persons under 18 years of age may not be employed on work performed on the watch system, in more than one job or on work connected with the production and storage of and trade in spirituous liquors.

36. The upper limits for the carriage and shifting of weights are restricted for minors by law. Under a resolution of the People's Commissariat of Labour of the RSFSR dated 4 March 1921, young workers aged 16 to 18 years should not be employed in work involving the continuous shifting of weights exceeding 4.1 kg. Persons under 16 years of age are allowed to shift weights only in exceptional cases.

37. Article 177 of the Labour Code of the Russian Federation makes it unlawful to assign workers under 18 years of age to night or overtime work or to work on days off. Since the period between 10 p.m. and 6 a.m. is deemed to be night time, the working shift for workers under 18 years of age may not begin before 6 a.m. or end after 10 p.m.

38. There are also advantages for minors as regards the grant of leave. Leave for workers under 18 years of age is granted at their desire during the summer or at any other suitable time of the year for a period of one calendar month. As a general rule, leave in respect of the first year's work is granted after the completion of 11 months' work. An exception is made for

minors: they may be granted leave even before the completion of that period (art. 71 of the Labour Code of the Russian Federation). Refusal to grant leave to persons under 18 years of age is prohibited (art. 74).

39. A special procedure is laid down for standardizing work for minors. Output norms for minors are fixed on the basis of the output norms for adults in proportion to the shorter hours of work. The output norms may be lowered for a specified period for young workers who have entered production on completing their attendance at schools of general education or vocational technical educational establishments or who have undergone vocational training on the job (art. 179).

40. The dismissal of workers under 18 years of age on the initiative of management is permitted at variance with the normal dismissal procedure only with the consent of the area committee on minors' affairs. Dismissal on the grounds specified in article 33, paragraphs 1, 2 and 6, of the Labour Code of the Russian Federation (winding up of the enterprise, institution or organization; reduction in the number or establishment of workers; unfitness of a worker for the post held; reinstatement in work of a worker who has performed that work previously) is permitted only subject to the obligation of placement (art. 183).

41. It should be noted, however, that the national legislation has departed somewhat from the individual provisions of the Convention. In the first place it applies to work for hire and thus excludes children employed in the informal sector or in family businesses. Furthermore there is a gap in the legislative rules in the form of a hiatus in the year between the age of completing compulsory schooling (15 years) and the age of starting work (as a general rule, 16 years).

42. Another problem is that of monitoring compliance with the legislative provisions in this field. Thus, whereas in State enterprises there is in operation a system of staff services which in the main complies with the legislation in force concerning work and employment and does not allow children under 16 (or, in exceptional cases, under 14 or 15) to be admitted to work, in the non-State sector it is virtually impossible to check the degree or scale of the exploitation of child labour at the present time.

43. Many principles laid down in the laws are not applied in practice for lack of a clear-cut legal, financial or organizational mechanism to apply them.

44. Thus the absence of any centralized system for the placement of children aged 14 to 16 years and the restriction placed by the Act concerning the Employment of the Population on the age of citizens who may be placed in employment through the Employment Service of a minimum age of 16, compels children under 16 to search for a job independently. A frequent result is that the kinds of activity proposed are of a discriminatory and humiliating nature and the exploitation of child labour is intensified.

45. Compulsory basic education (nine classes) depends upon regular school attendance and supervision of the child by his parents and teachers. Effective measures have not yet been taken, however, to ensure that the nine years of general schooling are completed in practice.

46. Non-compliance everywhere with the requirements of the legislation designed to guarantee realization of the rights of minors to education, to work within their powers and to a free choice of occupation leads to a situation in which many of them fall within the category of those not working and not studying.

47. The problem of the exploitation of child labour can be regarded as extremely severe. Furthermore its solution is a long and complicated legal, social and economic task. Again, it cannot be considered in isolation from the other problems of children. It necessitates the establishment of a comprehensive system of social and legal protection for children with a background of unfavourable living conditions.

3. Programme of activity to solve the problem

48. On the initiative of the Department of Family, Women's and Children's Problems of the Ministry of Social Protection of the Russian Federation, the Government of the Russian Federation adopted resolution No. 848 of 23 August 1993 concerning the application of the United Nations Convention on the Rights of the Child and the World Declaration on the Survival, Protection and Development of Children.

49. Pursuant to the above-mentioned resolution, the Commission on Coordination of Work connected with the Implementation of the United Nations Convention on the Rights of the Child and the World Declaration on the Survival, Protection and Development of Children in the Russian Federation has been established with interdepartmental status. The Commission is headed by Mr. Y.F. Yarov, the Deputy Chairman of the Council of Ministers - Government of the Russian Federation.

50. Solving the problems of children is, of course, a complex interdepartmental task in which many sectoral ministries and departments are engaged in different degrees. Consequently efficient performance of that task can be achieved only with the aid of flexible machinery to reconcile and coordinate the activities of all the organs of government dealing with these problems, ensuring that their efforts to improve the situation of children are purposeful, fixing priorities for work on joint lines and increasing real responsibility for its final result. The establishment of the Commission, which has sufficient powers to take operative decisions on these matters which are binding on all the organs of executive authority concerned, including decisions relating to the exploitation of child labour, will make it possible to carry on this work at federal government level.

51. Furthermore, the need to prepare a report on the situation of children and submit it to the Government of the Russian Federation annually has also been recognized. A special section of the report will deal with the situation of children who are in especially difficult circumstances, including children subjected to exploitation. The report will be an official document prepared

for the purpose of providing the State organs of government and the population of Russia with objective analytical information on the situation of children and the trends of change in that situation in response to the social and economic transformations carried out. It should serve as a basis on which to determine the exact priority areas and lines for action to solve the problems of children and to devise the necessary practical measures in that field.

52. On the basis of the World Declaration on the Survival, Protection and Development of Children, and also in order to ensure the formation of a single State policy for the improvement of their situation, the Ministry of Social Protection of the Russian Federation has been instructed, jointly with the Ministries and Departments concerned, to work out the procedure for preparing and the structure of, a National Plan of Action in the Interests of the Children of the Russian Federation.

53. The main purpose of the Plan is to determine, in accordance with the international obligations arising out of the signature by Russia of the World Declaration, the priority aims and tasks to ensure the survival, protection and development of children in the 1990s, the strategies for achieving those aims, and the practical measures for their achievement.

54. The work to be done is of many kinds and affects virtually every aspect of children's vital functions. The most important considerations which should find reflection in the Plan of Action are assumed to be the following.

Strengthening the social and legal protection of children and securing their constitutional rights to survival, protection and development

55. There is extensive legal drafting work to be done on these lines in connection with: eliminating contradictions in the legal regulations to give effect to the United Nations Convention on the Rights of the Child and other international legal instruments, including ILO Convention No. 138, and in the national legislation on a number of most important legal institutes determining the status of the child; completing the regulations on the basic rights of the personality of the minor (the right to an adequate standard of living, to education, to protection from exploitation, etc.), laid down in Russian legislation with a deeper and socially justified practical content; accordingly eliminating the formalism and declarativeness present in the relevant rules of law in a number of instances; changing their content with due regard for the social and economic changes taking place in the country; ensuring regulation of the basic rights of the personality by means of a legal mechanism for their realization, and so on.

Securing for minors the standard of living necessary for their physical, mental, spiritual, moral and social development

56. In this connection it is necessary to determine the list of basic social safeguards with which the child should be provided irrespective of social and economic changes in society or the presence or absence of a family structure: first and foremost, provision for the child of an adequate diet, medical care, a basic level of education, cultural services, housing, etc.

Establishment of general and vocational education for children

57. In accordance with instruction N BF-P5 - 11430 of the Council of Ministers-Government of the Russian Federation dated 1 April 1993, a draft federal programme for the development of education has been prepared.

58. The most painful and urgent problem which must be solved in the immediate future is that of stabilizing the situation in this sphere and, as quickly as possible, overcoming the crisis in Russian education, laying organizational foundations and creating instruments and machinery to give effect to the principles of State policy in the field of education, which are laid down in the Education Act of the Russian Federation, and to the corresponding requirements of society.

59. Within the framework of the National Plan of Action it is proposed also to work out a special programme for the protection of children from exploitation and to secure civilized employment for them in case of need.

60. In dealing with the problem under consideration it is planned to eliminate the serious shortcomings in the labour legislation which affect the regulation of the work of minors:

(i) The legal protection and safeguards of schoolchildren's labour need to be strengthened by assigning the children to agricultural and other jobs both in term time and during the school holidays, regardless of the form of ownership and management of the enterprise in which the children are employed;

(ii) In addition to this, provision should be made for the possibility of voluntary participation by minors in work within their powers in their free time from school against suitable remuneration, and machinery should be devised and regulations drawn up for the placement of children aged 14 to 16 years who wish to work in social production, with due regard for the specific nature of that social group and with supervision to ensure compliance with the applicable legislative rules;

(iii) Closer supervision should be exercised over compliance by employers with the labour legislation, inter alia concerning fair payment for the work of minors; observance of the rules laid down in the area of safety technology, labour hygiene and the relevant instruction and supervision; and strict limitation of the length of the working day and working week in order to leave enough time for education and rest in the course of the day;

(iv) Stricter measures should be instituted to call to account persons guilty of causing injuries to children or other damage to the health of children or adolescents;

(v) All forms of social protection, including systems of industrial accident benefits, medical care in the event of sickness, etc., should be duly extended to adolescents.

61. In order to provide adolescents with vocational training and employment within their powers, the following measures should be adopted:

(i) The practice of organizing vocational training at schools of general education and in the system of training centres should be revived, and programmes should be devised for training children in occupations which are needed under the new conditions of management and which require a body of vocational knowledge that can be acquired without interrupting general education;

(ii) Attention should be drawn to the need to revive polytechnical schools everywhere, and encouragement should be given for the establishment, within the system of education facilities, of a network of specialized enterprises (workshops and sections) using adolescent labour;

(iii) Assistance should be provided in developing a system of apprenticeship on the principle that the employer undertakes by agreement to employ adolescents and instruct them or provide for their instruction in a specified occupation (trade) for a predetermined period during which the apprentice is bound to work for the employer;

(iv) Every adolescent should have an opportunity to obtain from the State Employment Service information on vacancies and consultations on the choice of an occupation with a view to receiving guidance in choosing his subsequent career;

(v) Consideration should be given to the possibility of establishing a body authorized to issue licences to an employer to use the labour of adolescents who are working in the streets, in public places and in occupations involving travel or under other conditions, specifying the regime of work and leisure, the wages, etc.;

(vi) Systematic statistical records should be devised and kept on the number of minors not engaged in work or study and in need of socially useful employment or placement.

62. It is also necessary to preclude any form of work as a punishment for children or adolescents and the assignment of such young people to types of work which create an aversion to work from an early age.

63. Furthermore it would be desirable to introduce amendments and additions to the criminal legislation in order to increase criminal liability for the involvement of minors in preparing, distributing, trading in or advertising pornographic products and for involving minors in prostitution, trade in children or the like.

64. The critical phenomena in the area of the family and children are the result not only of a significant drop in the level of living of the citizens of Russia but also of the total lack of a comprehensive system of institutions rendering a set of social services to families and children contending with vital problems of any kind.

65. Under resolution No. 913 of the Government of the Russian Federation concerning the Department of Family, Women's and Children's Problems of the Ministry of Social Protection of the Russian Federation, dated 28 November 1992, the most important lines of work assigned to the Department include in particular the establishment of a State social service of assistance to families and children.

66. To that end, the Department has prepared a set of normative legal instruments concerning the formation of a social service sector: a Convention on the development of social service in Russia and model provisions on a territorial centre for assistance to families and children; on a social rehabilitation centre for minors; on social shelter; on psychological and pedagogical assistance centres; and an external psychological assistance by telephone.

67. These draft texts were examined in August 1993 at an expanded meeting of the College of the Ministry of Social Protection of the Russian Federation with the participation of a Deputy Prime Minister of Russia, the Adviser to the President of the Russian Federation on matters concerning the family, motherhood and children, the Adviser to the President of the Russian Federation on matters concerning the disabled, and leading officials of the Ministers and Departments concerned; the texts as a whole were approved.

68. This service is intended primarily for the following clients: marginal families; children and adolescents in adverse family circumstances; children who exhibit asocial behaviour, who are homeless, who are exposed to adverse influences at their place of residence, study or work (cruel treatment, violence, involvement in illegal activity and the like), who have difficulties in the vocational context or in that of daily life, and so on.

69. The aim of this service is to provide each of them with help at the personal level in overcoming a critical situation or in solving the problems of living through support of various kinds, correction and rehabilitation, to provide medico-social, psychological, socio-pedagogical or legal services, and so on.

70. The practical formation of a social service sector will bring Russia closer to the general European conception of a system of social administration and to affirming the principles of social justice, humanity, charity, priority for the interests of the personality (of the child) and his right to social protection.

71. New forms of work are becoming urgently necessary, inter alia in relation to the problem under discussion concerning prevention of the neglect and delinquency of minors and the protection of their rights.

72. A distinctive characteristic of the Russian system of prevention is that it is represented by numerous bodies belonging to different departments which perform the tasks of education and prevention by a variety of means.

73. The situation which has arisen demands the adoption of urgent measures designed primarily: to complete the legal basis for the prevention of the neglect and delinquency of adolescents; to provide them with social protection; to improve the coordination of the activities of all Ministries, Departments and territorial organs of executive authority dealing with these problems.

74. The Department of Family, Women's and Children's Problems of the Ministry of Social Protection of the Russian Federation, in collaboration with the ministries and departments concerned, prepared Decree No. 1338 of the President of the Russian Federation "concerning the prevention of the neglect and delinquency of minors and the protection of their rights", dated 6 September 1993.

75. The Decree provides for the establishment of a new-model State system for the social prevention of the neglect of minors and of deviant behaviour on their part. The innovation lies primarily in the fact that the "punitive" policy which used to be applied to such children is to be replaced by a policy of protection and safeguards in the form of a whole set of medico-psychological, socio-psychological, socio-legal and socio-pedagogical services of aid and support for children in the "risk group". Thus, according to the Decree, specialized institutions (services) should be established in 1993-1994 for minors in need of social rehabilitation in a system of facilities for the social protection of the population (shelters, social rehabilitation centres, centres for aid to children left without parental care); special open-type teaching and educational institutions for minors who have broken the law and special (correctional) training and educational institution for minors who exhibit deviant development and who have committed socially dangerous acts - within the structure of the education facilities. The minors' reception and distribution centres of the Home Affairs authorities have been reorganized with the establishment, on the basis of those centres, of temporary isolation centres for minors who have committed socially dangerous acts.

76. The Interdepartmental Commission on Minors' Affairs has been established under the Council of Ministers-Government of the Russian Federation to coordinate the activities of the ministries and departments on prevention of the neglect and delinquency of minors. Furthermore the Decree confirms the need for the activity, on the above-mentioned matters, of the commissions on minors' affairs attached to the heads of the executive authorities and to local administration.

SAUDI ARABIA

[Original: English]
[29 June 1993]

The question of the elimination of the exploitation of child labour is covered by the basic Islamic legislation as well as the labour law, both of which observe the recommendation of resolution 1993/79 of 10 March 1993 of the Commission on Human Rights.

SWEDEN

[Original: English]
[28 December 1993]

1. Sweden is a party to the Convention on the Rights of the Child, the ILO Minimum Age Convention (No. 138) and also the European Social Charter, all of which limit the employment of child labour. In Sweden, child labour is chiefly regulated by chapter 5 of the 1977 Work Environment Act. The Act was amended in 1990 to incorporate a lower age limit of 13 years of age for work and employment. Since 1990, the provisions of the Act also apply to minors who work without being employed.

2. Provisions concerning the working conditions of minors can also be found in a decree issued by the National Board of Occupational Safety and Health in 1990 on the employment of minors (AFS 1990:19), as well as in the 1970 Act concerning, inter alia, Working Hours in Domestic Work, the 1973 Merchant Seamen Act, the 1988 Ships' Safety Act, the 1988 Radiation Protection Act and the 1956 Public Order Regulation.

3. Under chapter 5, section 1 of the Work Environment Act, a minor is defined as any person under the age of 18. Section 2 provides that a minor may not work before the calendar year of his or her sixteenth birthday, or before the minor has completed his or her compulsory schooling. A minor who has reached the age of 13 may, however, be employed to do lighter work which is calculated not to prejudice his or her health, development or schooling. The Government or, by authority of the Government, the National Board of Occupational Safety and Health, may make an exception from the age limit of 13 for very light work. An exception may, however, only be granted in cases where the application of the age limit would cause exceptional difficulties. The decree issued by the National Board of Occupational Safety and Health cites very simple tasks on a family farm, such as weeding or fruit picking as an example of permissible employment. Artistic performances which are harmless and do not physically or mentally cause the child undue exertion are also permitted.

4. In accordance with section 3 of the Act, no minor may be hired for or be asked to perform work which carries with it a risk of accidents or over-exertion or is in any other way detrimental to the minor's health or development. Such work is termed "dangerous work" under the Act. The Government or, by authority of the Government, the National Board of Occupational Safety and Health, may issue decrees prohibiting or limiting the engagement of minors in such jobs.

5. Section 4 lays down rules concerning medical examinations related to the employment of minors. The Government or the National Board of Occupational Safety and Health may require that the names of the persons examined and the results of each examination be registered when medical examinations are carried out either in connection with the employment of minors under the age of 16, or with regard to conditions for or the prohibition of dangerous work.

6. In 1983, legislation on the working hours of minors was reformed. Previously, working hours were governed directly by the Work Environment Act. Under the Act, a minor was not permitted to work more than 9 hours per day or 45 hours per week. Section 5 of the Work Environment Act now provides that the Government or, by authority of the Government, the National Board of Occupational Safety and Health, may issue regulations on the length of working hours for minors.

7. Working hours are now regulated by the Working Hours Act, adopted pursuant to a government bill presented to Parliament in 1982 (prop. 1981/82:154). The detailed provisions previously contained in the Work Environment Act are now to be found in the above-mentioned Decree concerning minors issued by the National Board of Occupational Safety and Health. The Decree includes the above-mentioned time-limits. It also provides that the minor should be allowed at least 11 hours of consecutive free time at night. Minors may not work between 10 p.m. and 5 a.m. Above the age of 17, however, a minor may work until 11 p.m. A minor is also entitled to at least 36 hours of consecutive rest each week.

8. When work is performed by minors under the age of 16 or before compulsory schooling has been completed, working hours are subject to stricter limitations. The permission of the parents and, if the minor is working before or after school on more than five school days during a term, of the school is required. Work may only be carried out for a maximum of 8 hours per day and 12 hours per week, and not between 7 p.m. and 6 a.m. During school holidays lasting more than five consecutive days, minors may work for up to 40 hours per week.

9. Chapter 8, section 2 of the Work Environment Act provides that anyone employing a minor or acting in breach of existing regulations may be liable for a fine or sentenced to imprisonment for up to one year.

10. With regard to the issue of child prostitution, the following legislation applies. The child prostitution issue is covered by several provisions of the Swedish Penal Code. Although a person obtaining sexual intercourse in return for payment is not normally guilty of a criminal offence, special provisions apply where the other party is under the age of 18. Chapter 6, section 10 of the Penal Code provides that a person who,

by promising or giving compensation, obtains or tries to obtain casual sexual intercourse with someone under the age of 18 shall be sentenced to pay a fine or to imprisonment for a maximum of six months for seduction of youth. The prohibition also applies to a person who, without actual knowledge of the fact, had reason to believe that the other was a minor. If the child is in a helpless state and the buyer unduly takes advantage of this, the buyer can be sentenced to up to four years imprisonment for sexual exploitation under section 3. Procuring is prohibited under sections 8 and 9. According to a recent government report on, inter alia, the protection of children from sexual abuse (DS 1993:80), the instances of child prostitution in Sweden are very rare.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

[Original: English]
[1 February 1994]

Education and vocational training

1. The United Kingdom has been concerned for some time about the number of children excluded from schools and the provision made for them once they are out of school. The United Kingdom is determined to ensure that these pupils - who, it fully recognizes, are among the most problematic teachers will encounter - receive their educational entitlement and do not slip through the net. In addition pupils who drop out of school by truanting are not only denying themselves an education, but are at increased risk of drifting into crime. The United Kingdom firmly believes that all schools should regard maximizing attendance as one of their key tasks.

Social action

2. The system of premiums in the United Kingdom income-related social assistance benefits means that help can be directed to vulnerable groups likely to face economic pressure, such as low income families with children. This has allowed extra resources, worth about £1 billion per year from April 1993, to be provided for low income families with children since 1988. This is in addition to annual increases in benefit levels to reflect increases in the cost of living.

3. The Government of the United Kingdom set up, in April 1993, the Child Support Agency to ensure as far as possible that when parents separate they meet their financial obligation to their children. The aim of the Agency is to deliver on behalf of children a consistent, efficient and effective service for the assessment, collection and enforcement of child maintenance for all families. While the assessment of child support maintenance takes account of the parents' circumstances, the personal earnings of children are not counted as family income.

Development aid

4. On the implementation of the Programme of Action at the international level it should be re-emphasized that the Government of the United Kingdom is committed to the principle of the abolition of child labour and therefore supports the Programme of Action. It believes, however, that the problem cannot be solved unless tackled directly by the countries where the practice is most widespread, and that this can only come about when a stage of development and public awareness is reached where child labour is no longer regarded as a practical, profitable and in some cases even necessary factor of economic life. The Government has therefore pledged support for practical action taken through the International Labour Organisation (ILO) and other agencies. In particular the United Kingdom supported the provision of funds within the ILO programme and budget 1992-1993 for funding an interdepartmental project from regular budget funds. In addition the United Kingdom has backed the useful role played by ILO in assisting developing countries to formulate programmes of basic education for working children, raise public awareness of

the problems of child labour and to try and eliminate the use of child labour, particularly in the more hazardous occupations. As this issue straddles a number of United Nations agencies the United Kingdom has not confined its support to ILO but rather has encouraged that organisation to operate strictly within its mandate whilst others considered matters appropriate to their remits. This has had the benefits of avoiding duplication of work and ensuring the most appropriate focus of expertise, cost effectively.

Labour standards and their application

5. Certain cases of exploitation of child labour violate international human rights law, including abandonment, child prostitution, and trafficking in pornography involving the sexuality of children. The United Kingdom has in place a number of pieces of legislation covering these areas (see below: Duties of States).

Duties of States

6. In accordance with the Declaration on the Rights of the Child under which "the Child shall be protected against all forms of neglect, cruelty and exploitation" the United Kingdom has the following policy on abandonment. Under section 1 of the Children and Young Persons Act 1933 it is an offence to wilfully assault, ill-treat, neglect, abandon or expose a child or to cause him to be assaulted, ill-treated, neglected, abandoned or exposed. The maximum penalty is 10 years' imprisonment.

7. The United Kingdom ratified the Convention on the Rights of the Child in 1991, with a reservation to article 32.2 (b). This provides for appropriate regulation of the hours and conditions of employment. This reservation did not however represent any diminution in the Government's long-standing commitment to the elimination of child labour internationally, nor reflect any absence of appropriate legal safeguards at home. The Convention would in fact have presented no problems for the United Kingdom Government at all but for the fact that its definition of a child included 16 to 18 year olds. They are classed as young people in the United Kingdom and their hours and other terms and conditions of employment like those of other employees, are matters for negotiation between employers and employees or their representatives. As this issue is fundamental to government policy, no action could be taken to implement this part of article 32. With regard to the remainder of article 32, however, United Kingdom legislation more than adequately meets the Convention's requirements on minimum age of employment and contains provisions for enforcement and if necessary prosecution for infringement of health and safety measures. The United Kingdom is indeed very pleased with its record in these areas.

8. States are asked to review their legislation in the field of child labour with a view to the absolute prohibition of employment of children in certain cases, including the following.

1. Activities linked with child pornography

9. One form of child exploitation which the British Government takes very seriously is the production and distribution of child pornography. Its

manufacture often involves the commission of sexual offences against children, and it was because of the seriousness of the threat which child pornography poses, that in 1978 the United Kingdom Parliament enacted the Protection of Children Act.

10. This distinguishes child pornography from other forms of pornography, which are subject to the general laws on obscenity, and makes it a criminal offence to take or permit to be taken, to distribute, show, publish, advertise, or possess for distribution, any indecent photograph, film or video recording of a person under the age of 16.

11. The advantage which this offers over the obscenity laws is that the images concerned need only be indecent, according to a court's common sense view of what is indecent, and need not meet the more restrictive test under United Kingdom law of what is obscene. It is therefore easier to obtain convictions. The maximum penalty for the child pornography offence is, however, the same as that for publishing an obscene article - an unlimited fine, a three year term of imprisonment, or both.

12. This Act has been reasonably successful in enabling the courts to deal with those producing or trading in child pornography. In the Criminal Justice Act 1988 steps were taken to attack the consumers of child pornography by making it a criminal offence merely to possess an indecent photograph, film, or video recording of a child under the age of 16. This offence is currently subject to a maximum penalty of a £5,000 fine.

13. This possession offence is unusual in United Kingdom law, but the Government believes it is justified because of the significant threat which the production and use of child pornography poses to children. The possession of child pornography is closely associated with criminal paedophile behaviour, and child pornography often circulates within rings of active paedophiles. The possession offence is therefore another useful weapon for the police in dealing with this sort of criminal.

14. Most of the child pornography which is detected in this country has been imported from abroad, and it has been estimated that of the imported material which is seized, more than 75 per cent has come from other countries of the European Community. This is one of the reasons why, in spite of the advent of the single European market, the United Kingdom Government has decided that it should maintain its border controls on obscene articles and indecent pictures of children, the importation of which is prohibited under the Customs Consolidation Act 1876. Evasion of this control is subject to a maximum penalty of seven years' imprisonment or an unlimited fine, or both.

15. Although the Government has already done much to protect children in the United Kingdom from this form of abuse, it is not complacent. It is determined that the removal of trade barriers within the European Community should not benefit paedophiles and child pornographers, and far from relaxing its criminal law controls over pornography, the Government is actively considering ways in which they might be strengthened.

2. Child prostitution and other forms of sexual trade

(a) Child prostitution and sale and traffic in children

16. Under the Sexual Offences Act 1956 it is an offence to procure a girl under the age of 21 to have unlawful sexual intercourse with a third person anywhere in the world or to procure a woman or girl to become, in any part of the world, a common prostitute or to procure her to leave the United Kingdom or her usual place of abode in the United Kingdom intending her to become an inmate of or to frequent a brothel for the purposes of prostitution. The relevant offences are set out below:

Sexual Offences Act 1956

s.5	Intercourse with girl under 13	Life
s.6	Intercourse with girl under 16	2 years
s.19	Abduction of girl under 18 from parent or guardian	2 years
s.20	Abduction of girl under 16 from parent or guardian	2 years
s.22	Causing prostitution of a woman anywhere in the world	2 years
s.23	Procuration of girl under 21 to have unlawful sexual intercourse in any part of the world	2 years
s.25	Permitting girl under 13 to use premises for intercourse	Life
s.26	Permitting girl under 16 to use premises for intercourse	2 years
s.28	Causing or encouraging prostitution etc. of girl under 16	2 years

Indecency with Children Act 1960

s.1	Indecency with a child	2 years

17. In addition, anyone who takes a child from those who have lawful control of that child commits an offence under the Child Abduction Act 1984. Alternatively, the common law of kidnapping may be relevant. The United Kingdom Government is not aware that there is any evidence that children are being sold or taken from the United Kingdom for sexual purposes.

(b) Sex tourism

18. Another area of grave concern to the United Kingdom Government is the use of children as prostitutes. Its own stringent law in this area, and vigorous enforcement of it, means that such practice does not present a problem in this country. However, the United Kingdom Government is aware that child prostitution does occur, and indeed is prevalent, in some foreign States - in particular in South-East Asia.

19. In 1991 the United Kingdom ratified the Convention on the Rights of the Child and is committed to assisting other countries wherever possible in stamping out all forms of child exploitation, which obviously requires a certain degree of international cooperation.

20. The United Kingdom Government has much sympathy with the motives of those who argue that this country should take jurisdiction over sexual offences committed by British nationals overseas. However, it does not believe this would be a practical solution, and it is the prerogative of sovereign States to decide what laws are appropriate, and then to enforce those laws on their own territory.

21. Nevertheless, there are certainly ways in which the United Kingdom can assist in law enforcement and criminal investigations. It is also permissible for Governments to urge each other to tackle specific problems such as child prostitution, and the British Government certainly does so whenever a suitable occasion arises.

22. The British Government is able to offer a wide range of assistance to other countries under the provisions of the Criminal Justice (International Co-operation) Act 1990. This may include arranging for the service of summonses and other legal documents in this country; arranging for statements to be taken from witnesses, or for other evidence to be obtained here; arranging for a person in custody to travel abroad to assist in proceedings; and, in certain cases, arranging for the search of premises here and the seizure of documents or other evidence. All of these facilities could be made available in an appropriate case if the appropriate authorities wished to proceed against someone for suspected offences against children.

23. Furthermore the United Kingdom is willing and able to extradite its own nationals to face trial in those countries with which it has an extradition treaty and where they are alleged to have committed offences against children. This contrasts with the position of some other countries which are constitutionally unable to extradite their own nationals. The United Kingdom believes it is generally right, as well as more practical, for a person to stand trial in the place where their alleged offences were committed.

24. Of course, the United Kingdom can only help to deal with a case involving child prostitution in another country when it receives a request from the appropriate authorities, whether it be for the extradition of a British national, or some other form of legal assistance under the terms of the Criminal Justice (International Co-operation) Act 1990. There is a limit to what the United Kingdom can do in helping to enforce the law in a foreign

State, and the main responsibility for dealing with the problem of child exploitation overseas will necessarily remain with the authorities of the State concerned.

3. Work involving degrading or cruel treatment

Vagrancy

25. The United Kingdom Government has long recognized the problems of the use of children by adults to beg. Under section 3 of the Vagrancy Act 1824 it is an offence to cause or procure or encourage children to beg. The maximum penalty is one month's imprisonment or a level 3 fine.

26. States are also asked to take preventative and curative measures to combat the phenomenon of the exploitation of child labour in, for example, military activities.

27. All members of the British Armed Forces are volunteers and recruits under the age of 18 require their parents' or guardians' written consent to enlist. There are special provisions to allow those recruited under the age of 18 to leave if they are unhappy and unable to settle into service life and the deployment of young personnel overseas and to Northern Ireland is subject to certain minimum age limits.

28. Once they are fully trained, and subject to the relevant minimum age limit, under 18 year olds are employed on the same tasks as their counterparts aged over 18. Under 18 year olds represent some 40 per cent of all recruits and to cease their recruitment would create unacceptable manning difficulties for the services.

29. States are also asked to undertake education programmes. To help them to do so, the Department of Education is supporting, under the "Reducing Truancy" category of its Grants for Education Support and Training (GEST) scheme for 1993-1994, projects to the value of some £9.6 million in 71 local education authorities, designed to help those schools with high levels of unauthorized absence. It is hoped that a similar number will be able to be supported in this year's project, which also includes an element for disaffected pupils.

30. In 1991, new regulations were introduced which require schools to distinguish in their registers between authorized and unauthorized absences. The same regulations also require all maintained schools to publish their rates of unauthorized absence and later this year such information will appear in school performance for the first time.

31. To further this objective, the Education Act 1993 places local education authorities under a specific duty to provide education otherwise than at school where necessary to meet an individual pupil's needs.